



Strasbourg 24 November 2017

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

113th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 8 December 2017 (9.00 a.m.-6.00 p.m.) -
Saturday, 9 December 2017 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 8 December 2017

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**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\(2017\)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 7 December 2017.

4. Communication by the Secretariat**5. 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 will present the proposed list of candidates for the various offices. The election itself will take place on Saturday morning.

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 Emil Ruffer, Former Chair of the Ministers' Deputies, Permanent Representative of the Czech Republic to the Council of Europe, with Ambassador Dmytro Kuleba, Permanent Representative of Ukraine to the Council of Europe and with Ambassador Keith McBean, Permanent Representative of Ireland to the Council of Europe.

7. 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 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 draft joint opinion on the Legal framework governing the funding of political parties and electoral campaigns of the Republic of Moldova (see item 14), 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 Leen Verbeek, Chair of the Congress Monitoring Committee on co-operation with the Congress.

9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Opinion on Article XXV of 4 April 2017 on the Amendment of Act CCIV of 2011 on National Tertiary Education of Hungary ([CDL-AD\(2017\)022](#));

Opinion on the draft revised Constitution of Georgia as adopted by the Parliament of Georgia at the second reading on 23 June 2017 ([CDL-AD\(2017\)023](#));

Amicus Curiae Brief for the Constitutional Court of Albania on the Law on the Transitional Re-evaluation of Judges and Prosecutors (The Vetting Law) ([CDL-AD\(2016\)036](#));

Opinion on articles 216, 299, 301 and 314 of the Penal Code of Turkey ([CDL-AD\(2016\)002](#)).

The draft opinions on the Republic of Moldova (draft amendments to Article 37 of the Law on the People's Advocate –"Financial provisions") and "the former Yugoslav Republic of Macedonia" (see items 14 and 15) are a follow-up to previous opinions adopted on these countries.

10. Armenia

The Commission is invited to hold an exchange of views with Mr Davit Harutyunyan, Minister of Justice of Armenia, and to examine with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2017\)034](#)) on the draft constitutional law on referendums of Armenia ([CDL-REF\(2017\)049](#)) drawn up on the basis of comments by Mr Endziņš, Ms Khabrieva, Mr Maiani and Mr Vilanova Trias as well as Mr Vasil Vashchanka (OSCE/ODIHR expert). The Council for Democratic Elections will examine this draft joint opinion at its meeting on 7 December 2017.

10h45-11h00

Coffee break

11h00-13h00

Discussion and adoption of opinions on individual countries (Continued)

11. 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\(2017\)035](#)) on the compatibility with Council of Europe standards on the Rule of Law of the Polish Law on the Ordinary Courts Organisation, and two draft laws on amending the Law on the National Council of the Judiciary and the Supreme Court of Poland ([CDL-REF\(2017\)046](#), [052](#), [052Addendum](#), [053](#) and [053Addendum](#)) drawn up on the basis of comments by Mr Barrett, Ms Bazy Malaurie, Mr Clayton, Mr Dimitrov and Mr Grabenwarter. The Sub-Commission on the Judiciary will examine the draft opinion at its meeting on 7 December 2017.

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\(2017\)037](#)) on the amended law of Poland on the Prosecution Service ([CDL-REF\(2017\)048](#)) drawn up on the basis of comments by Mr Eşanu, Mr Hirschfeldt, Ms Šimáčková, Mr Sørensen and Mr Scholsem. The Sub-Commission on the Judiciary will examine the draft opinion at its meeting on 7 December 2017.

12. Ukraine

The Commission is invited to hold an exchange of views with Ms Lilia Hrynevych, Minister of Education and Science of Ukraine, and to examine with a view to adoption, the draft opinion ([CDL\(2017\)040](#)) on provisions of the new Law on Education of Ukraine on the language of education ([CDL-REF\(2017\)051](#); see also document [CDL-REF\(2017\)047](#)) drawn up on the basis of comments by Mr Bartole, Mr Frendo and Mr Velaers as well as Mr Robert Dunbar and Mr Rainer Hofmann (DGII experts). The Sub-Commission on the protection of minorities will examine the draft opinion at its meeting on 7 December 2017.

13h00-14h30	<i>Lunch</i>
14h30-16h00	<i>Studies and reports</i>
	<i>Discussion and adoption of Opinions on individual countries (Continued)</i>

13. Draft report on Constituency delineation and seat allocation

The Commission is invited to examine, with a view to adoption, the draft report ([CDL\(2017\)033](#)) on Constituency delineation and seat allocation, drawn up on the basis of comments by Mr Barrett, Ms Cleveland, Ms Karakamisheva-Jovanovska and Mr Kask as well as Lord Richard Balfe and Ms Leontine Loeber (experts). The Council for Democratic Elections will examine this draft report at its meeting on 7 December 2017.

14. Republic of Moldova

The Commission is invited to hold an exchange of views with Mr Igor Vrenea, Member of the Legal Committee, Nominations and Immunities, 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\(2017\)032](#)) on the Legal framework of the Republic of Moldova governing the funding of political parties and electoral campaigns ([CDL-REF\(2017\)044](#) and [045](#); see also document [CDL-REF\(2017\)020](#)) drawn up on the basis of comments by Mr Dimitrov, Mr Frendo as well as Mr Pieter van Dijk (Venice Commission expert), Mr Fernando Casal Bertóa and Mr Richard Katz (Members of the OSCE/ODIHR Core Group of Experts on Political Parties), Ms Tatyana Hilscher-Bogussevich and Ms Alice Thomas (OSCE/ODIHR experts) and Mr Alvis Vilks (GRECO expert). The Council for Democratic Elections will examine this draft joint opinion at its meeting on 7 December 2017.

The Commission is invited to hold an exchange of views with Mr Igor Vrenea, Member of the Legal Committee, Nominations and Immunities, Parliament of the Republic of Moldova, and to examine with a view to adoption, the draft opinion ([CDL\(2017\)041](#)) on draft amendments to Article 37 of the Law of the Republic of Moldova on the People's Advocate –"Financial provisions" ([CDL-REF\(2017\)050](#)) drawn up on the basis of comments by Ms Err and Mr Sørensen. In addition the Commission will be informed on follow-up to the Opinion on the Law on the People's Advocate (Ombudsman) of the Republic of Moldova ([CDL-AD\(2015\)017](#) ; see also document [CDL-REF\(2017\)054](#)).

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Discussion and adoption of Opinions on individual countries (Continued)</i>
	<i>Constitutional Developments in Observer States</i>

15. “The former Yugoslav Republic of Macedonia”

The Commission is invited to hold an exchange of views with the representative of "the former Yugoslav Republic of Macedonia", and to examine with a view to adoption, the draft opinion ([CDL\(2017\)036](#)) on three draft laws of "the former Yugoslav Republic of Macedonia" on the abolition of the Council for the Establishment of Facts, on amendments to the law on the Judicial Council and on amendments to the law on Witness protection ([CDL-REF\(2017\)042](#)) drawn up on the basis of comments by Mr Barrett, Mr Neppi Modona, Mr Ribičič and Mr Varga. See also the Opinion on the Law on the Protection of Privacy and on the law on the Protection of Whistleblowers of “the former Yugoslav Republic of Macedonia” ([CDL-AD\(2016\)008](#)).

16. Constitutional Developments in Observer States

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

Japan

Ambassador Takamasa Sato, Permanent Observer of Japan to the Council of Europe, will address the Commission.

19h15 Departure by bus from Venice (Piazzale Roma)

20h00 Dinner at Ristorante Eden, Via Triestina 159 – Tessera Venezia

<http://www.edenvenezia.com/>

22h30 Return to Venice

Saturday, 9 December 2017

9h00-10h30	<i>Information on constitutional developments in other countries Co-operation with other countries Co-operation with the Group of States against Corruption (GRECO) Elections</i>
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17. Information on constitutional developments in other countries

Spain

Mr Castella Andreu will inform the Commission on developments with respect to Catalonia.

18. Co-operation with other countries

Mexico

Ms Otálora Malassis will inform the Commission on recent developments in Mexico.

19. Co-operation with Group of States against Corruption (GRECO)

Mr Marin Mrčela, President of the Group of States against Corruption, will address the Commission.

5. Contd. Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as the Chairs and Vice-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	Information on Conferences and Seminars
	Report of the meeting of the Council for Democratic Elections
	Report of the joint meeting the Sub-Commission on Working Methods and the Scientific Council
	Information on the Association of former Venice Commission members

20. Information on Conferences and Seminars

The Commission will be informed on the results and conclusions of:

- *UniDem-Med Seminar (Algiers, 7-8 November 2017);*
- *World Forum for Democracy 2017 (Strasbourg, 8-10 November 2017);*
- *Regional Conference on "Misuse of Administrative Resources during Electoral Processes: a major challenge for Democratic Elections" (London, 9-10 November 2017);*
- *VII International Congress of Comparative Law "the national and the universal in law: from traditions to postmodernism" (Moscow, 1-2 December 2017).*

21. Report of the meeting of the Council for Democratic Elections (7 December 2017)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 7 December 2017. The Commission may be invited to adopt the questionnaire on referendums ([CDL\(2017\)022rev](#)).

[Link to annotated agenda](#)

The draft joint opinions on Armenia and the Republic of Moldova as well as the draft report on the allocation of seats to constituencies are dealt with under items 10, 13 and 14 above.

22. Report of the joint meeting of the Sub-Commission on Working Methods and the Scientific Council (7 December 2017)

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 7 December 2017.

23. 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

24. Other business

25. Dates of the next sessions

The schedule of sessions for 2018 is confirmed as follows:

114 th Plenary Session	16-17 March 2018
115 th Plenary Session	22-23 June 2018
116 th Plenary Session	19-20 October 2018
117 th Plenary Session	14-15 December 2018

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](#)