



Strasbourg 9 October 2018

**CDL-PL-OJ(2018)003ann-rev**  
Or. Engl

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**116<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 19 October 2018 (9.00 a.m.-6.00 p.m.) -**  
**Saturday, 20 October 2018 (9.00 a.m.-1.00 p.m.)**

**REVISED DRAFT ANNOTATED AGENDA**

**Friday, 19 October 2018**

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 ([CDL\(2018\)030](#)).

**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 18 October 2018.

**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 Răzvan Rusu, Permanent Representative of Romania to the Council of Europe, with Ambassador Irakli Giviashvili, Permanent Representative of Georgia to the Council of Europe and with Ambassador Stephan Müller, Permanent Representative of Luxembourg to the Council of Europe.

**6. Co-operation with the Parliamentary Assembly**

The Commission is invited to hold an exchange of views with Ms Stella Kyriakides, Former President of the Parliamentary Assembly and with Mr Sergiy Vlasenko, 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 opinions on Romania (see item 11), 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 Leen Verbeek, Chair of the Congress Monitoring Committee, on co-operation with the Congress.

**8. Follow-up to earlier Venice Commission opinions**

The Commission will be informed on follow-up to:

Armenia - Opinion on the draft Constitutional Law on the Constitutional Court ([CDL-AD\(2017\)011](#));

Armenia - Joint Opinion on the draft Law on Referendum ([CDL-AD\(2017\)029](#));

Republic of Moldova – Opinion on proposed new Article 37 of the Law on the People's Advocate on Finance Provisions ([CDL-AD\(2017\)032](#)) - – see document [CDL-REF\(2018\)048](#);

Montenegro - Opinion on the draft Law on amendments to the Law on the Judicial Council and Judges ([CDL-AD\(2018\)015](#)) – see document [CDL-REF\(2018\)047](#);

Serbia - Opinion on the draft amendments to the constitutional provisions on the judiciary ([CDL-AD\(2018\)011](#)).

The opinion on “the former Yugoslav Republic of Macedonia” (see item 15) is a follow up to a previous opinion adopted on this country ([CDL-AD\(2017\)033](#)).

## 9. Albania

The Commission is invited to hold an exchange of views with Ms Vasilika Hysi, Vice President of the Parliament of Albania, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)028](#)) on the draft Law on the Legislative initiative of Citizens in Albania ([CDL-REF\(2018\)039](#)) drawn up on the basis of comments by Mr Kask and Mr Pinelli as well as OSCE/ODIHR experts. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 18 October 2018.

## 10. Armenia

Mr Ararat Mirzoyan, First Deputy Prime Minister of Armenia, will inform the Commission on the government's plans as concerns the announced early parliamentary elections and co-operation with the Venice Commission. Mr Mirzoyan will in particular present the draft amendments to the Electoral Code (see [CDL-REF\(2018\)052](#)<sup>1</sup>):

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

## 11. Romania

The Commission is invited to endorse, the preliminary opinion ([CDL-PI\(2018\)007](#)) on draft amendments to Law No. 303/2004 on the statute of judges and prosecutors, Law No. 304/2004 on judicial organization, and Law No. 317/2004 on the Superior Council for Magistracy ([CDL-REF\(2018\)022](#), [023](#) and [024](#)) drawn up on the basis of comments by Ms Bazy Malaurie, Mr Cameron, Mr Esanu, Mr Scholsem, Mr Tuori and Ms Suchocka. In accordance with the decision taken by the Bureau, this preliminary opinion has already been issued. A Government Emergency Ordinance implementing some recommendations of the opinion may be adopted before the session. In this case the Commission may be invited to adopt the opinion with some amendments reflecting the Government Emergency Ordinance.

The Commission is invited to hold an exchange of views with Mr Florin Iordache, Chair of the Joint Special Parliamentary Commission for amending the Judicial Laws, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)029](#)) on amendments to the Criminal Code and Criminal Procedure Code ([CDL-REF\(2018\)045](#); see also documents [CDL-REF\(2018\)042](#), [043](#) and [044](#)) drawn up on the basis of comments by Mr Baramidze, Mr Barrett, Mr Kuijer, Mr Sorensen, Mr Tuori as well as Mr Guido Neppi Modona and Mr Marc Touillier (experts). The

<sup>1</sup> This document will be issued in due course.

Sub-Commissions on the Judiciary and on Fundamental Rights will examine this draft opinion at the joint meeting on 18 October 2018.

## 12. Kazakhstan

The Commission is invited to hold an exchange of views with Mr Marat Beketayev, Minister of Justice of the Republic of Kazakhstan, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)031](#)) on the Administrative procedure and justice code of Kazakhstan ([CDL-REF\(2018\)037](#)) drawn up on the basis of comments by Mr Hirschfeldt, Ms Khabrieva as well as Ms Slavica Banic and Mr George Papuashvili (experts).

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

## 13. Morocco

Mr Mohamed Auajjar, Minister of Justice and Liberties of Morocco, will address the Commission.

## 14. Republic of Moldova

The Commission is invited to hold an exchange of views with the representative of the Ministry of Justice of the Republic of Moldova, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)027](#)) on Law no. 120 of the Republic of Moldova on preventing and combating terrorism ([CDL-REF\(2018\)046](#)) drawn up on the basis of comments by Ms Bazy Malaurie, Mr Cameron, Ms McMorrow and Mr Meridor.

## 15. “The former Yugoslav Republic of Macedonia”

The Commission is invited to hold an exchange of views with Ms Renata Deskoska, Minister of Justice, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)024](#)) on the Law amending the Law on the Judicial Council and on the Law amending the Law on Courts ([CDL-REF\(2018\)029](#) and [030](#); see also documents [CDL-REF\(2018\)027](#) and [028](#)) drawn up on the basis of comments by Mr Barrett, Mr Dimitrov, Mr Ribicic and Mr Varga.

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

## 16. Tunisia

The Commission is invited to hold an exchange of views with Mr Mondher Bousnina, Head of Cabinet, Ministry for relations with constitutional bodies, the civil society and human rights, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)023](#)) on the draft organic Law on the organisation of political parties and their financing ([CDL-REF\(2018\)035](#) and [036](#)) drawn up on the basis of comments by Mr Frendo, Ms Kiener and Mr Velaers. The Sub-Commission on the Mediterranean Basin will examine this draft opinion at its meeting on 18 October 2018.

## 17. Uzbekistan

The Commission is invited to hold an exchange of views with Mr Mirza-Ulugbek E. Abdusalomov, President, Central Electoral Commission of Uzbekistan, and to examine, with a

view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)026](#)) on the draft Election Code of Uzbekistan ([CDL-REF\(2018\)038](#)) drawn up on the basis of comments by Mr Kask and Mr Vilanova Trias as well as OSCE/ODIHR experts. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 18 October 2018.

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- 19h15 Departure by private boat from the Imbarcadere close to former F30 restaurant ([link to map showing departure point](#))
- 20h00 Dinner at Venice Banqueting, Sestiere Castello, 3080/A, Ramo Baffo, Venice
- 22h30 Return to Hotels by your own means  
([link to Vaporetto map from Celestia](#))  
([link to route to and from San Marco and/or Rialto](#))

### **Saturday, 20 October 2018**

9h00-10h30	<i>Information on constitutional developments in other countries Principles on the protection and promotion of the Ombudsman Institution (the Venice Principles) Exchange of views with the UN Special Adviser on the Prevention of Genocide Co-operation with other countries Developments in the case-law of the European Court of Human Rights</i>
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#### **18. Information on constitutional developments in other countries**

##### *Brazil*

Mr José Antonio Dias Toffoli, President of the Federal Supreme Court of Brazil, will address the Commission.

##### *Mexico*

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

##### *Peru*

Mr Sardon will inform the Commission on recent constitutional developments in Peru.

#### **19. Principles on the protection and promotion of the Ombudsman Institution (the Venice Principles)**

The Commission will be informed on progress on the Principles on the protection and promotion of the Ombudsman Institution (the Venice Principles) ([CDL\(2018\)025](#)) in preparation for the Consultation Meeting to be held in Paris on 31 October 2018.

## 20. Exchange of views with the UN Special Adviser on the Prevention of Genocide

Mr Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, will address the Commission.

## 21. Co-operation with other countries

### *Bosnia and Herzegovina*

The Commission will be informed on progress in the electoral reform process in Bosnia and Herzegovina.

### *Canada*

Mr Stéphane Dion, Ambassador of Canada to Germany and Special Envoy to the European Union and Europe and Mr Warren Newman, Senior General Counsel, Constitutional, Administrative and International Law Section, Department of Justice, will address the Commission.

## 22. Developments in the case-law of the European Court of Human Rights

The Commission will be informed on developments in the recent case-law of the European Court of Human Rights as concerns references to Venice Commission studies, reports and opinions.

10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Report of the meeting of the Council for Democratic Elections Reports of Sub-Commission Meetings</i>

## 23. Report of the meeting of the Council for Democratic Elections (18 October 2018)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 18 October 2018. In particular the Commission may be invited to take note that some provisions of the English version of the Code of good practice on referendums and in the Code of good practice in electoral matters will be aligned to the French version ([link to document](#)).

[Link to annotated agenda](#)

The draft opinions on Albania and on Uzbekistan are dealt with under items 9 and 17 above.

## 24. Report of the meeting of the Sub-Commission on the Mediterranean Basin (18 October 2018)

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 18 October 2018. In particular the Commission will be informed on the results of:

UniDem-Med Seminar “Transformation and innovation in the senior Civil Service: challenges and opportunities” (Tunis, 24-27 September 2018);  
Second International Conference of the Arab Union of Administrative Judiciary on “Voting In Elections and Referendums - Right and Duty” (Cairo, 8-9 October 2018)

[Link to annotated agenda](#)

The draft opinion on Tunisia is dealt with under item 16 above.

**25. Report of the meeting of the Sub-Commission on Working methods (18 October 2018)**

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 18 October 2018. In particular the Commission may be invited to adopt amendments to the Rules of Procedure ([CDL-WM\(2018\)002](#)) and to endorse the Protocol on the preparation of Venice Commission urgent opinions ([CDL-WM\(2018\)003](#)).

[Link to annotated agenda](#)

12h45-13h00

*Closing session*

**26. Other business**

**27. Dates of the next sessions**

The final session of 2018 is confirmed as follows:

117<sup>th</sup> Plenary Session                      14-15 December 2018

The schedule of sessions for 2019 is confirmed as follows:

118<sup>th</sup> Plenary Session                      15-16 March 2019  
119<sup>th</sup> Plenary Session                      21-22 June 2019  
120<sup>th</sup> Plenary Session                      11-12 October 2019  
121<sup>st</sup> Plenary Session                      6-7 December 2019

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](#)