



Strasbourg 30 November 2018

**CDL-PL-OJ(2018)004ann**  
Or. Engl

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

**117<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 14 December 2018 (9.00 a.m.-6.00 p.m.) -**  
**Saturday, 15 December 2018 (9.30 a.m.-1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**Friday, 14 December 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\(2018\)036](#)), in particular his recent visit to Armenia.

**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 December 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 Katrin Kivi, Chair of GR-EXT and Permanent Representative of Estonia to the Council of Europe, with Ambassador Marek Eštok, Permanent Representative of the Slovak Republic to the Council of Europe and with Ambassador Elisabeth Walaas, Permanent Representative of Norway to the Council of Europe.

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

The Commission is invited to hold an exchange of views 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 Georgia, Hungary, Malta and Turkey (see items 12, 14, 11 and 17) as well as the Parliamentary Assembly report on “Updating guidelines to ensure fair referendums in Council of Europe member States” (see item 13), 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. 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. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Romania - Opinion on draft amendments to Law No. 303/2004 on the Statute of Judges and Prosecutors, Law No. 304/2004 on Judicial Organisation and Law No. 317/2004 on the Superior Council for Magistracy ([CDL-AD\(2018\)017](#)) and Opinion on draft amendments to the Criminal Code and the Criminal Procedure Code ([CDL-AD\(2018\)021](#));

*Amicus curiae* brief for the European Court of Human Rights in the case of Berlusconi v. Italy on the minimum procedural guarantees which a State must provide in the framework of a procedure of disqualification from holding an elective office ([CDL-AD\(2017\)025](#));

Poland - Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts ([CDL-AD\(2017\)031](#)).

The draft opinion on “the former Yugoslav Republic of Macedonia” (see item 16) is a follow up to a previous opinion adopted on this country ([CDL-AD\(2018\)022](#)).

## 10. Albania

The Commission is invited to hold an exchange of views with Mr Gramoz Ruçi, Speaker of the Parliament of Albania and with the representative of the Democratic Party of Albania, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)041](#)) on the draft Constitutional amendments of Albania enabling the vetting of politicians ([CDL-REF\(2018\)057](#)) drawn up on the basis of comments by Ms Bílková, Mr Kask, Mr Sørensen as well as Mr James Hamilton and Ms Hanna Suchocka (experts). The Sub-Commissions on Democratic Institutions and on the Mediterrean Basin will examine this draft opinion at the joint meeting on 13 December 2018.

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

## 11. Malta

The Commission is invited to hold an exchange of views with Mr Owen Bonnici, Minister for Justice, Culture and Local Government of Malta, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)039](#)) on the Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement bodies of Malta ([CDL-REF\(2018\)058](#)) drawn up on the basis of comments by Mr Clayton, Ms Kjerulf-Thorgeirsdottir, Mr Kuijer, Mr Nicolatos and Mr Tuori. The Sub-Commissions on Democratic Institutions and on the Mediterrean Basin will examine this draft opinion at the joint meeting on 13 December 2018.

## 12. Georgia

The Commission is invited to hold an exchange of views with Ms Tamar Chugoshvili, First Deputy Chairperson, Parliament of Georgia, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)038](#)) on the provisions on the Prosecutorial Council in the draft Law of Georgia on the Prosecutor's Office and on the provisions on the High Judicial Council in the

Law on courts of general jurisdiction ([CDL-REF\(2018\)055](#) and [056](#)) drawn up on the basis of comments by Mr Barrett, Mr Eşanu and Mr Varga.

13h00-14h30	<i>Lunch</i>
14h30-16h00	<i>Parliamentary Assembly report on “Updating guidelines to ensure fair referendums in Council of Europe member States”</i> <i>Discussion and adoption of Opinions on individual countries (Continued)</i>

### **13. Parliamentary Assembly report on “Updating guidelines to ensure fair referendums in Council of Europe member States”**

Dame Cheryl Gillan, Member of the Committee on Political Affairs and Democracy of the Parliamentary Assembly, will present her report on “Updating guidelines to ensure fair referendums in Council of Europe member States” ([AS/Pol \(2018\) 18](#)) (see also document [CDL\(2018\)042](#)).

### **14. Hungary**

The Commission is invited to hold an exchange of views with Mr Balázs Orbán, State Secretary, Prime Minister’s Office, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)040](#)) on the Hungarian Law of 20 July 2018 amending certain tax laws and other related laws and on the immigration tax (section 253 on the special immigration tax) ([CDL-REF\(2018\)059](#)) drawn up on the basis of comments by Mr Barrett, Ms Bílková, Mr Kuijer and Mr Meridor as well as OSCE/ODIHR experts. The Sub-Commission on Fundamental Rights will examine this draft joint opinion at its meeting on 13 December 2018.

### **15. Kazakhstan**

The Commission is invited to hold an exchange of views with Mr Talgat Donakov, Chairman of the High Judicial Council and with Mr Yerbol Umrallyev, Deputy Secretary General of the Supreme Court, and to examine, with a view to adoption, the draft opinion ([CDL\(2018\)043](#)) on the Concept Paper on the reform of the High Judicial Council of Kazakhstan ([CDL-REF\(2018\)049](#); see also [CDL-REF\(2018\)050](#), [051](#) and [060](#)) drawn up on the basis of comments by Mr Kūtris, Mr Mathieu and Ms Omejec.

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

### **16. “The former Yugoslav Republic of Macedonia”**

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2018\)044](#)) on the law amending the law on Courts ([CDL-REF\(2018\)062](#)) drawn up on the basis of comments by Mr Barrett, Mr Dimitrov, Mr Ribičič and Mr Varga. This opinion is a follow-up to the opinion adopted at the October plenary session (see document [CDL-AD\(2018\)022](#)).

### **17. Turkey**

The Commission is invited to hold an exchange of views with Mr Tahir Akca, Head of Department, Directorate General for Law and Legislation, Ministry of Justice, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the

OSCE/ODIHR ([CDL\(2018\)034](#)) on the Amendments to the electoral legislation and related "harmonisation laws" of Turkey adopted in March and April 2018 ([CDL-REF\(2018\)031](#), [032](#), [033](#) and [034](#)) drawn up on the basis of comments by Mr Kask, Mr Holmøyvik 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 13 December 2018.

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19h45 Dinner at Hotel Papadopoli Venezia, Venice

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

### **Saturday, 15 December 2018**

9h30-10h45	<i>Reports and Studies Constitutional developments in Observer States Information on constitutional developments in other countries Co-operation with other countries Information on conferences and Seminars Compilations of Venice Commission opinions and reports</i>
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#### **18. Report on separate opinions of Constitutional Courts**

The Commission is invited to examine, with a view to adoption, the draft report ([CDL\(2018\)037](#)) on the separate opinions of Constitutional Courts, drawn up on the basis of comments by Mr Grabenwarter, Ms Hermanns and Ms Šimáčková. The Sub-Commission on Constitutional Justice will examine this draft report at its meeting on 13 December 2018.

#### **19. Constitutional Developments in Observer States**

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

##### *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.

##### *Japan*

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

#### **20. Information on constitutional developments in other countries**

##### *Republic of Korea*

Mr Suk-Tae Lee, Justice at the Constitutional Court of Korea, will inform the Commission on recent constitutional developments in the Republic of Korea.

**21. Co-operation with other countries***Egypt*

Mr Ahmed Abdel Aziz Abu El Azm, President of the Egyptian Council of State, will address the Commission.

**22. Information on Conferences and Seminars**

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

- *6<sup>th</sup> Inter Cultural Workshop on Democracy “The Role and Place of Independent Bodies in a Democratic State” (Tunis, 13-14 November 2018);*
- *Asian High-level Human Rights Forum “The results of the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights: time and reality” (Samarkand, Uzbekistan, 22-23 November 2018);*
- *VIII International Congress of Comparative Law “Comparative Law in search of the Constitutional ideal” (Moscow, 7-8 December 2018).*

**23. Compilations of Venice Commission opinions and reports**

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports concerning new technologies in the electoral process ([CDL\(2018\)033](#)).

10h45-11h00  
11h00-12h45

*Coffee Break*

*Information on Council of Europe External Funding*

*Report of the meeting of the Sub-Commission on Latin America (Mexico City, 30 November 2018)*

*Report of the meeting of the Council for Democratic Elections*

*Reports of Sub-Commission Meetings*

*Information on the Association of former Venice Commission members*

**24. Information on Council of Europe External funding**

Mr Matthew Barr, Head of the Division for Resource Mobilisation and Donor Relations, Office of the Directorate General of Programmes of the Council of Europe, will inform the Commission on recent voluntary contributions, future funding needs and modalities.

**25. Report of the meeting of the Sub-Commission on Latin America (Mexico City, 30 November 2018)**

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held in Mexico City on 30 November 2018.

**26. Report of the meeting of the Council for Democratic Elections (13 December 2018)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 13 December 2018.

[Link to annotated agenda](#)

The draft opinion on Turkey is dealt with under item 17 above.

**27. Report of the Joint Meeting of the Sub-Commissions on Democratic Institutions and on the Mediterrean Basin (13 December 2018)**

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 13 December 2018.

[Link to annotated agenda](#)

The draft opinions on Albania and on Malta are dealt with under items 10 and 11 above.

**28. Report of meeting of the Sub-Commission on Fundamental Rights (13 December 2018)**

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 13 December 2018.

The Commission may be invited to adopt the report on Funding of Associations ([CDL\(2018\)045](#)). In addition, the Commission will be informed on progress of work on the Draft Joint Guidelines on Freedom of Peaceful Assembly (3<sup>rd</sup> Edition) ([CDL-FR\(2018\)001](#)).

[Link to annotated agenda](#)

The draft opinion on Hungary is dealt with under item 14 above.

**29. 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	<i>Closing session</i>
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**30. Other business**

**31. Dates of the next sessions**

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](#)