



Strasbourg, 27 September 2019

CDL-PL-OJ(2019)003ann
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

120th PLENARY SESSION

Venice, Scuola Grande di San Giovanni Evangelista
Friday, 11 October 2019 (09:00 to 18:00) -
Saturday, 12 October 2019 (09:30 to 13:00)

DRAFT ANNOTATED AGENDA

Friday, 11 October 2019*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 (see document [CDL\(2019\)033](#)).

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 10 October 2019.

A delegation of the Parliament of the Netherlands was invited to the meeting of the Enlarged Bureau to present the request for an opinion on the possibility for national parliaments to control the activities of the European Union and in particular the different institutions of the Eurozone.

4. Communication by the Secretariat**5. Election of a Committee of Wise Persons**

In accordance with Article 6, paragraph 1bis of the Revised Rules of Procedure, the Commission is invited to elect the Committee of Wise Persons proposed by the Enlarged Bureau, who will prepare the elections which will be held during the December 2019 session. Every member may put forward his or her candidature for any vacant position to the wise persons.

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 Rolf Mafael, Permanent Representative of Germany to the Council of Europe, Ambassador Manuel Montobbio, Permanent Representative of Spain to the Council of Europe and Ambassador Meglena Kuneva, 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 Ms Thorhildur Sunna Ævarsdóttir, Member 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;

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:

Albania - Joint opinion on the draft law on the legislative initiative of the citizens ([CDL-AD\(2018\)026](#), see also [CDL-REF\(2019\)027](#));

Georgia - Urgent Opinion on the selection and appointments of Supreme Court judges ([CDL-AD\(2019\)009](#));

Republic of Moldova - Joint opinion on the law for amending and completing certain legislative acts (Electoral system for the election of Parliament) ([CDL-AD\(2018\)008](#); see also [CDL-REF\(2019\)028](#));

Republic of Moldova - Opinion on the constitutional situation with particular reference to the possibility of dissolving parliament (CDL-AD(2019)012);

Ukraine - Opinion on the draft election code of Ukraine, ([CDL-AD\(2010\)047](#)).

10. Peru

The Commission is invited to hold an exchange of views with Mr Pedro Olaechea Álvarez-Caderón, President of the Congress of Peru, and with the representative of the government of Peru and to examine with a view to adoption the draft opinion ([CDL\(2019\)037](#)) on linking constitutional amendments to the vote of no-confidence (see [CDL-REF\(2019\)025](#) and [CDL-REF\(2019\)026](#)), drawn up on the basis of comments by Mr Castella Andreu, Mr Hernández Emparanza, Mr Newman, Mr Tuori et Mr Vargas Valdez. The Sub-Commissions on Democratic Institutions and on Latin America will examine this draft opinion at their joint meeting on 10 October 2019.

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

11. Albania

The Commission is invited to hold an exchange of views with the representatives of the President of Albania and the representative of the Assembly of Albania, and to examine, with a view to adoption, the draft opinion ([CDL\(2019\)027](#)) on the scope of the power of the President to set the dates of elections (see [CDL-REF\(2019\)021](#)), drawn up on the basis of comments by Mr Kask, Ms McMorrow, Mr Pinelli, Mr Tuori and Mr Varga. The Sub-Commissions on Democratic Institutions and on Latin America as well as the Council for Democratic Elections will examine this draft opinion at their meetings on 10 October 2019.

The Commission is invited to hold an exchange of views with the representative of Albania and to examine, with a view to adoption, the draft opinion ([CDL\(2019\)032](#)) on the draft Law of Albania on the finalisation of transitional ownership processes ([CDL-REF\(2019\)020](#) and [CDL-REF\(2019\)029](#)), drawn up on the basis of comments by Mr Dimitrov, Ms Hermanns, Mr Kask as well as Mr Fontanelli (Expert). The Sub-Commissions on Fundamental Rights, on National Minorities and on Gender Equality will examine this draft opinion at their joint meeting on 10 October 2019.

12. Republic of Moldova

The Commission is invited to hold an exchange of views with the Ms Olesea Stamate, Minister of Justice of the Republic of Moldova and to examine with a view to adoption the draft Joint opinion of the Venice Commission and of the Directorate General of Human Rights and Rule of Law (DGI) ([CDL\(2019\)028](#)) on the draft Law on the reform of the Supreme Court of Justice of the Republic of Moldova ([CDL-REF\(2019\)031](#)) drawn up on the basis of comments by Mr Baramidze, Mr Barrett, Mr Gaspar as well as Ms Betetto (DGI Expert). The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 10 October 2019.

13h00-14h30	Lunch
14h30-16:00	Discussion and adoption of Opinions on individual countries (Continued) Exchange of views with the Secretary General

13. Kosovo

The Commission is invited to hold an exchange of views with Mr Mentor Borovci, Director of Legal Office, Office of the Prime Minister and to examine with a view to adoption the draft opinion ([CDL\(2019\)034](#)) on the draft Law on legal acts ([CDL-REF\(2019\)018](#)), drawn on the basis of comments by Mr Hunt, Ms Otálora Massis and Mr Varga.

14. North Macedonia

The Commission is invited to hold an exchange of views with the representative of North Macedonia and to examine with a view to adoption the draft opinion ([CDL\(2019\)031](#)) on the Law on the Use of Languages ([CDL-REF\(2019\)019](#)), drawn up on the basis of comments by Ms Kiener, Mr Velaers, Mr Vermeulen as well as Mr Scheu (DGII Expert). The Sub-Commissions on Fundamental Rights, on National Minorities and on Gender Equality will examine this draft opinion at their joint meeting on 10 October 2019.

15. Exchange of views with the Secretary General

Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, will address the Commission.

16h00-16h15	Coffee Break
16h15-18h00	Discussion and adoption of Opinions on individual countries (Continued) Exchange of views with Commissioner Hahn

16. Armenia

The Commission is invited to hold an exchange of views with Mr Rustam Badasyan, Minister of Justice of Armenia, and to examine with a view to adoption, the draft opinion ([CDL\(2019\)035](#)) on the Constitutional implications of the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), drawn up on the basis of comments by Ms Anastas, Ms Bilkova, Mr Dimitrov, Ms Kiener and Mr Kuijer. The Sub-Commissions on Fundamental Rights, on National Minorities and on Gender Equality will examine this draft opinion at their joint meeting on 10 October 2019.

The Commission is invited to hold an exchange of views with Mr Rustam Badasyan, Minister of Justice of Armenia, and to examine with a view to adoption, the Draft Joint Opinion by the Venice Commission and the Directorate General of Human Rights and Rule of Law ([CDL\(2019\)030](#)) on the draft amendments to the Judicial Code of Armenia and some other Laws ([CDL-](#)

[REF\(2019\)022](#), [CDL-REF\(2019\)023](#) and [CDL-REF\(2019\)024](#)), drawn up on the basis of comments by Mr Esanu, Mr Hirschfeldt, Mr Kuijer as well as Mr Reissner and Mr Sessa (DG-I Experts). The Sub-Commission on the Judiciary will examine this draft joint opinion at its meeting on 10 October 2019.

17. Exchange of views with the EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations

The Commission is invited to hold an exchange of views with Commissioner Johannes Hahn, in charge of European Neighbourhood Policy and Enlargement Negotiations.

- 19h15 **Departure by bus from Piazzale Roma**
- 20h00 **Dinner at Restaurant “[Cosmori](#)”, Viale Kennedy 15, Quarto d’ Altino
(+39)0422 825326**
- 22h30 **Return to Venice (Piazzale Roma)**

Saturday, 12 October 2019

9h30-10h45	<i>Amicus curiae Brief Co-operation with the CCJA Information on constitutional developments in other countries Information on co-operation with other countries</i>
------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

18. Information on constitutional developments in other countries

United States

Mr Carozza will introduce to the Commission the US Supreme Court’s latest case-law on gerrymandering.

Ireland

Mr Seamus Woulfe, Attorney General of Ireland will address the Commission.

United-Kingdom

Mr Otty will introduce to the Commission an update on constitutional litigation surrounding the United Kingdom Government’s prorogation of Parliament, the Supreme Court’s decision in R(Miller) v The Prime Minister and the approach to Brexit more broadly.

19. *Amicus curiae* Brief for the European Court of Human Rights

The Commission is invited to examine with a view to adoption the draft *Amicus Curiae* Brief ([CDL\(2019\)029](#)) for the European Court of Human Rights in the case of Mugemangango v. Belgium on procedural safeguards that a State must provide in the framework of a procedure for contesting the outcome of an election or the distribution of seats, drawn up on the basis of comments by Ms Bazy Malaurie, Mr Holmøyvik and Ms Pabel,. The Council for Democratic Elections will examine this draft *Amicus Curiae* Brief at its meeting on 10 October 2019.

20. Co-operation with the Conference of Constitutional Jurisdiction of Africa (CCJA)

M. Manuel da Costa Aragão, President of the Constitutional Tribunal of Angola and President of the CCJA, will address the Commission on bilateral co-operation with the CJCA and co-operation in the framework of the World Conference on Constitutional Justice.

The Commission will be informed about the informal exchange of views on constitutional justice between the CCJA and the President of the Constitutional Court of Mongolia together with interested members that will take place at the Scuola, on 12 October from 08:30 to 09:30.

21. Co-operation with other countries

Kazakhstan

Mr Marat Beketayev, Minister of Justice of Kazakhstan will address the Venice Commission.

Mongolia

Mr Dorj Odbayar, President, Constitutional Court of Mongolia and Mr Gombojavyn Zandanshatar, Speaker of the Parliament of Mongolia, will address the Commission

Montenegro

The Commission will be informed on the recent visit of a delegation to Montenegro to discuss the modalities of election of lay members of the Judicial Council.

10h45-11h00	Coffee Break
11h00-12h45	Information on conferences and Seminars
	Compilation of Venice Commission opinions and reports
	Reports of the meeting of the CED

22. Information on Conferences and Seminars

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

- *The 16th European Conference of Electoral Management Bodies co-organised by the Venice Commission on “Election Dispute Resolution” (27-28 June 2019, Bratislava, Slovak Republic);*
- *The Global Conference on Media Freedom; Workshop on “Keeping journalists safe – What international organisations can do” (10-11 July 2019, London).*

23. Compilation of Venice Commission opinions and reports

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports concerning Electoral Campaigns ([CDL\(2019\)025](#)).

24. Report of the meeting of the Council for Democratic Elections (10 October)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 10 October 2019.

The Commission will be informed on progress of work on the report on election dispute resolution as well as on the revision of the Code of good practice on referendums.

The *Amicus Curiae* Brief for the European Court of Human Rights in the case of *Mugemangango v. Belgium* on procedural safeguards that a State must provide in the framework of a procedure for contesting the outcome of an election or the distribution of seats is dealt with under item 18 above.

The draft opinion on the scope of the power of the President to set the dates of elections in Albania, is dealt with under Item 11 above.

[Link to annotated agenda](#)

25. Other business

26. Dates of the next sessions

The final session of 2019 is confirmed as follows:

121 st Plenary Session	6-7 December 2019
-----------------------------------	-------------------

The schedule of sessions for 2020 is confirmed as follows:

122 nd Plenary Session	20-21 March 2020
123 rd Plenary Session	19-20 June 2020
124 th Plenary Session	8-9 October 2020 (30 th anniversary)
125 th Plenary Session	11-12 December 2020

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](#)