



Strasbourg 22 November 2019

CDL-PL-OJ(2019)004
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

121st PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 6 December 2019 (9.00 a.m.-6.00 p.m.) -
Saturday, 7 December 2019 (9.30 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 6 December 2019

9h00-10h45

*Opening session
Elections
Co-operation with Council of Europe organs
Follow-up to earlier Venice Commission Opinions
Studies and Reports*

1. Adoption of the Agenda**2. Communication by the President**

The President will present his recent activities (see document [CDL\(2019\)044](#)).

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 5 December 2019.

4. Communication by the Secretariat**5. Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as Chairs and Vice-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 Parliamentary Assembly

The Commission is invited to hold an exchange of views with the representative of the Parliamentary Assembly of the Council of Europe on co-operation with the Assembly.

The draft Report on the inclusion of a not internationally recognised territory in a State's nationwide constituency for parliamentary elections; the draft Opinion on the Law Supporting the Functioning of the Ukrainian Language as the State Language; the draft Opinion on amendments to the legal Framework governing the Supreme Court and bodies of judicial governance of Ukraine (Items 9 and 10) as well as the draft Opinion on freedom of assembly of Bosnia and Herzegovina (Item 14), 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:

Principles on the Protection and Promotion of the Ombudsman Institution ("The Venice Principles") ([CDL-AD\(2019\)005](#));

Armenia, Joint Opinion on the Amendments to the Judicial Code on integrity and disciplinary liability of Judges ([CDL-AD\(2019\)024](#));

Armenia, Opinion 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) ([CDL-AD\(2019\)018](#));

North Macedonia, Opinion on the Draft law on Prevention and Protection against Discrimination ([CDL-AD\(2018\)001](#); see also [CDL-REF\(2019\)040](#));

Republic of Moldova, Joint Opinion on the legal framework governing the funding of political parties and electoral campaigns ([CDL-AD\(2017\)027](#));

Ukraine, Final Opinion on the Law on Government Cleansing (Lustration Law) of Ukraine as would result from the amendments submitted to the Verkhovna Rada on 21 April 2015 ([CDL-AD\(2015\)012](#));

Uzbekistan, Joint opinion on the draft Election Code ([CDL-AD\(2018\)027](#); see also [CDL-REF\(2019\)035](#)).

9. Report on the inclusion of a not internationally recognised Territory in a State's Nationwide Constituency for Parliamentary Elections

The Commission is invited to examine with a view to adoption the draft Report ([CDL\(2019\)026](#)) on the Inclusion of a not internationally recognised territory in a State's nationwide constituency for parliamentary elections, drawn up on the basis of comments by Mr Barrett, Ms Bilkova, Mr Cameron and Mr Frenco as well as Ms Peters (Venice Commission Expert). The Council for Democratic Elections and the Sub-Commission on International Law will examine this draft Report at their meetings on 5 December 2019.

10h45-11h00

Coffee break

11h00-13h00

Discussion and adoption of opinions on individual countries

10. 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 Opinion ([CDL\(2019\)038](#)) on the Law on Supporting the Functioning of the Ukrainian Language as the State Language ([CDL-REF\(2019\)036](#)), drawn up on the basis of comments by Ms Bilkova, Ms Kjerulf-Thorgeirsdottir and Mr Velaers as well as Mr Rainer Hofmann and Mr Rob Dunbar (DGII Experts). The Sub-Commissions on National Minorities, on Federal and Regional State and on Fundamental Rights will examine this draft Opinion at their joint meeting on 5 December 2019.

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 Opinion ([CDL\(2019\)042](#)) on amendments to the legal framework governing the Supreme Court and bodies of judicial governance ([CDL-REF\(2019\)039](#)), drawn up on the basis of comments by Mr Esanu, Mr Holmoyvik and Mr Tuori as well as Ms Suchocka (Honorary President) and Mr Gerhardt Reissner (CCJE Expert). The Sub-Commission on the Judiciary will examine this draft Opinion at its meeting on 5 December 2019.

The Commission is invited to examine with a view to adoption the draft *amicus curiae* Brief ([CDL\(2019\)045](#)) for the Constitutional Court of Ukraine on the early termination of the mandate of Members of Parliament, drawn up on the basis of comments by Mr Alivizatos, Mr Castella Andreu, Mr Holmoyvik and Mr Otty. The Sub-Commission on Democratic Institutions will examine this draft *amicus curiae* Brief at its meeting on 5 December 2019.

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

11. Bulgaria

The Commission is invited to hold an exchange of views with the representative of Bulgaria and to examine with a view to adoption the draft Opinion ([CDL\(2019\)039](#)) on draft amendments to the Criminal Procedure Code and the Judicial System Act on criminal investigation against top magistrates ([CDL-REF\(2019\)033](#)), drawn up on the basis of comments by Mr Barrett, Mr Kuijer and Mr Qerimi. The Sub-Commission on the Judiciary will examine this draft Opinion at its meeting on 5 December 2019.

12. North Macedonia

The Commission is invited to hold an exchange of views with Mr Bujar Osmani, Deputy Prime Minister 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 and Mr Vermeulen as well as Mr Harald Scheu (DGII Expert). The Sub-Commissions on National Minorities, on Federal and Regional State and on Fundamental Rights will examine this draft Opinion at their joint meeting on 5 December 2019.

16h00-16h15	Coffee Break
16h15-18h00	Discussion and adoption of Opinions on individual countries (Continued) Information on constitutional developments in other countries

13. Republic of Moldova

The Commission is invited to examine with a view to adoption the draft *amicus curiae* Brief for the Constitutional Court of the Republic of Moldova ([CDL\(2019\)040](#)) concerning the Law on the Prosecutor's Office ([CDL-REF\(2019\)041](#), [CDL-REF\(2019\)042](#) and [CDL-REF\(2019\)043](#)), drawn up on the basis of comments by Mr Barrett, Mr Hunt, Mr Sorensen and Mr Varga. The Sub-Commission on the Judiciary will examine this draft *amicus curiae* Brief at its meeting on 5 December 2019.

The Commission is invited to examine with a view to adoption the draft *amicus curiae* Brief ([CDL\(2019\)041](#)) for the Constitutional Court of the Republic of Moldova on the criminal liability of constitutional court judges, drawn up on the basis of comments by Mr Atar, Ms Hermanns, Mr Lee and Ms Simackova.

16. Information on constitutional developments in other countries

United Kingdom

Mr Otty will inform the Commission on recent developments concerning Brexit.

19h45 Dinner at Hôtel Papadopoli Venezia, Venice

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

Saturday 7 December 2019

9h30-10h45	<p style="margin: 0;"><i>Discussion and adoption of Opinions on individual countries (Continued)</i></p> <p style="margin: 0;"><i>Elections (Continued)</i></p> <p style="margin: 0;"><i>Information on constitutional developments in Observer States</i></p>
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14. Bosnia and Herzegovina

The Commission is invited to hold an exchange of views with the representatives of Bosnia and Herzegovina and to examine with a view to adoption the draft Opinion ([CDL\(2019\)043](#)) on freedom of assembly ([CDL-REF\(2019\)037](#) and [CDL-REF\(2019\)038](#)), drawn up on the basis of comments by Ms Bazy Malaurie, Mr Carozza, Mr Esanu and Mr Scholsem as well as OSCE/ODIHR Experts. The Sub-Commissions on National Minorities, on Federal and Regional State and on Fundamental Rights will examine this draft Opinion at their joint meeting on 5 December 2019.

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.

15. Information on constitutional developments in observer States

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

Japan

Mr Takeshi Akamatsu, Ambassador, Permanent Observer of Japan to the Council of Europe, will address the Commission.

10h45-11h00	<i>Coffee Break</i>
11h00-12h45	<p style="margin: 0;"><i>Co-operation with other countries</i></p> <p style="margin: 0;"><i>Information on Conferences and Seminars</i></p> <p style="margin: 0;"><i>Report of the meeting of the Council for Democratic Elections</i></p>

17. Co-operation with other countries*Kazakhstan*

Mr Talgat Donakov, Chairman of the High Judicial Council will inform the Commission on the implementation of the Venice Commission Recommendations of the 2018 Opinion on the Concept Paper on the reform of the High Judicial Council. In addition, Mr Rogov will inform the Commission on the publication of the book "Kazakhstan and the Venice Commission: for Democracy through the Law". Mr Bakyt Nurmukhanov, Secretary General, Constitutional Council of Kazakhstan, will inform the Commission on the Constitutional Council's future activities.

18. Information on Conferences and Seminars

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

7th Intercultural Workshop on Democracy, High Councils for the Judiciary (HCJ) and the Independence of the Judiciary, Strasbourg, 28-29 October 2019;

10th UniDem Med Regional Seminar, *Leading Innovation in the Civil Service: from Rule of Law Standards to Leadership*, Amman, 4-6 November 2019;

XIVth Inter-American Meeting of Electoral Management Bodies, Panama City, 13-14 November 2019;

IXth International Congress of Comparative Law, *Legal Values in the Comparative Law Focus*, Moscow, 2-3 December 2019.

19. Report of the meeting of the Council for Democratic Elections (5 December 2019)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 5 December 2019.

[Link to annotated agenda](#)

The Commission will be informed on progress of work on the report on election dispute resolution.

The draft opinion on the on the inclusion of a not internationally recognised territory in a State's nationwide constituency for parliamentary elections, is dealt with under Item 9 above.

12h45-13h00	Closing session
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20. Other business

The Commission will be invited to adopt the comments ([CDL\(2019\)047](#)) on the Recommendation of the Parliamentary Assembly of the Council of Europe on "Ombudsman Institutions in Europe - the need for a set of common standards" ([Recommendation 2163 \(2019\)](#)), to be transmitted to the Committee of Ministers in view of the preparation of its reply to that Recommendation.

21. Dates of the next sessions

The date of the 2020 sessions are 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

The meetings of the Sub-Commissions as well as the Council for Democratic Elections will take place the day before the Plenary Session.

[Link to the provisional list of participants](#)

[Link to list of meetings](#)

[Link to table plan](#)