



Strasbourg 30 November 2012

CDL-OJ(2012)004ann  
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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**93<sup>rd</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista,**  
**Friday, 14 December 2012 (9.00 a.m.) -**  
**Saturday, 15 December 2012 (10.45 a.m.-1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**PLEASE NOTE THAT**  
**ON SATURDAY 15 DECEMBER 2012**  
**THE PLENARY SESSION WILL COMMENCE AT 10.45 a.m.**  
**EXCEPT FOR THE MEMBERS OF THE ENLARGED BUREAU**

**Friday, 14 December 2012**

9h00-10h45

*Opening session  
Co-operation with Council of Europe bodies  
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\(2012\)079](#)).

**3. Communication by the Secretariat****4. 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 Alain Cools, Permanent Representative of Belgium to the Council of Europe, with Ambassador Ana Vukadinović, Permanent Representative of Montenegro to the Council of Europe and with Ambassador Berglind Ásgeirsdóttir, Permanent Representative of Iceland to the Council of Europe.

**5. 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 Lars O. Molin, Chair of the Monitoring Committee of the Congress.

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

The Commission will be informed on follow-up to:

- Opinion on the draft law on principles of the state language policy of Ukraine ([CDL-AD\(2011\)047](#));
- Joint Opinion on the Draft Law on Election of People's Deputies of Ukraine ([CDL-AD\(2011\)037](#));
- Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina ([CDL-AD\(2012\)014](#)).

**7. Iceland**

The Commission is invited to hold an exchange of views with Ms Valgerður Bjarnadóttir, Member of Parliament, Chair of the Constitutional and Supervisory Committee and will be informed on the request for an opinion on the draft Constitution of Iceland to be adopted at the March session.

## 8. Montenegro

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2012\)051](#)) on draft amendments to the Constitutional provisions relating to the judiciary of Montenegro ([CDL-REF\(2012\)023](#)) drawn up on the basis of comments by Messrs Hamilton, Neppi Modona et Tuori.

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

## 9. Tunisia

The Commission is invited to hold an exchange of views with Mr Mustapha Ben Jaafar, President of the National Constituent Assembly of Tunisia.

## 10. Uzbekistan

The Commission is invited to hold an exchange of views with the representatives of Uzbekistan and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2012\)077](#)) on Amendments to the law on the election of members of parliament of the Republic of Uzbekistan ([CDL-REF\(2012\)043](#) and [044](#)) drawn up on the basis of comments by Mr Endzins and Ms Christina Binder, OSCE/ODIHR Expert.

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

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2012\)078](#)) on the Law on determining a criterion for limiting the exercise of public office, access to documents and publishing the co-operation with the bodies of the state security of “the former Yugoslav Republic of Macedonia” ([CDL-REF\(2012\)042rev](#)) drawn up on the basis of comments by Messrs Bartole, Hoffmann-Riem, Mihai and Ms Suchocka.

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

## 12. Romania<sup>1</sup>

The Commission is invited to hold an exchange of views with Mr Titus Corlăţean, Minister of Foreign Affairs of Romania, and to examine, with a view to adoption, the draft opinion ([CDL\(2012\)055](#)) on the constitutional situation in Romania drawn up on the basis of comments by Mr Bartole, Ms de Guillenchmidt, Ms Suchocka and Mr Tuori. Relevant decisions of the Constitutional Court and two emergency ordinances to be examined in this context appear in documents [CDL-REF\(2012\)031](#) and [032](#). The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 13 December 2012.

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<sup>1</sup> The draft opinion will be issued on Monday, 10 December after the Parliamentary Elections in Romania.

16h00-16h15	Coffee Break
16h15-18h00	Other Constitutional Developments
	Constitutional developments in Observer States
	Reports of Sub-Commission meetings
	Compilation of Venice Commission opinions concerning Freedom of Association

### **13. Other constitutional developments**

#### *Ireland*

Ms Flanagan will inform the Commission on the Constitutional referendum which took place in Ireland on 10 November 2012.

#### *Libya*

The Commission will be informed on the visit of a Commission delegation to Tripoli on 12-15 November 2012.

#### *Monaco*

The Commission will be informed on the request from the Parliamentary Assembly concerning Monaco.

#### *Morocco*

The Commission will be informed on co-operation with Morocco.

#### *Ukraine*

The Commission will be informed on the meeting with the Constitutional Assembly of Ukraine on 6-7 December 2012.

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

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

#### *Canada*

The Commission is invited to hold an exchange of views with Ms Marie Deschamps, Justice at the Supreme Court of Canada.

### **15. Report of the meeting of the Sub-Commission on Democratic Institutions (13 December 2012)**

The Chair of the Sub-Commission will inform on the results and conclusions of the meeting held on 13 December 2012, in particular concerning the Studies on "keeping political and criminal responsibility separate" ([CDL-DEM\(2012\)001](#)) and on "the role of institutional actors in a democratic regime" ([CDL-DEM\(2012\)002](#)).

The opinion on the constitutional situation in Romania will be dealt with under item 12.

[Link to annotated agenda](#)

**16. Report of the meeting of the Sub-Commission on Latin America (13 December 2012)**

The Chair of the Sub-Commission will inform on the results and conclusions of the meeting held on 13 December 2012.

[Link to annotated agenda](#)

**17. Compilation of Venice Commission opinions concerning Freedom of Association**

The Commission is invited to endorse the compilation of Venice Commission opinions concerning Freedom of Association ([CDL\(2012\)080](#)).

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19h15 Departure by bus from Venice  
20h00 Dinner at Trattoria dall'Amelia, Mestre  
22h30 Return to Venice

**Saturday, 15 December 2012**

<b>9h00-10h30</b>	<b>Meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly</b>
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<i>10h30-10h45</i>	<i>Coffee Break</i>
<i>10h45-12h45</i>	<i>Co-operation with Council of Europe bodies (Continued)</i>
	<i>Discussion and adoption of opinions on individual countries (Continued)</i>
	<i>Studies and reports</i>

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

The President of the Venice Commission and the President of the Parliamentary Assembly will inform the Commission on the results and conclusions of the meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly held on 15 December 2012.

The Commission is invited to hold an exchange of views with Mr Mevlüt Çavuşoğlu, Former President of the Parliamentary Assembly, and with Mr Serhiy Holovaty, 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 studies on “keeping political and criminal responsibility separate” and on “limitation of mandates and incompatibility of political functions” (see items 15 and 20) fall into the framework of co-operation with the Parliamentary Assembly.

**19. Azerbaijan**

The Commission will be informed on the progress of work on the opinion on the draft law on defamation of Azerbaijan.

**20. Limitation of mandates and incompatibility of political functions**

The Commission is invited to examine with a view to adoption the draft report on “Limitation of mandates and incompatibility of political functions” ([CDL\(2012\)50rev](#)) drawn up on the basis of comments by Ms Siljanovska-Davkova and Ms Karakamisheva-Jovanovska (see also documents [CDL-REF\(2012\)026](#) and [027](#)).

12h45-13h00	<i>Closing session</i>
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**21. Other business****22. Dates of the next sessions**

The schedule of sessions for 2013 is confirmed as follows:

94 <sup>th</sup> Plenary Session	8-9 March 2013
95 <sup>th</sup> Plenary Session	14-15 June 2013
96 <sup>th</sup> Plenary Session	11-12 October 2013
97 <sup>th</sup> Plenary Session	6-7 December 2013

Sub-Commission meetings as well as 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](#)