



Strasbourg 26 September 2014

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Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

100th PLENARY SESSION
Rome, Ministry of Foreign Affairs
Friday, 10 October 2014 (12.30 p.m.) -
Saturday, 11 October 2014 (1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 10 October 2014

12h00-12h30	Coffee
12h30-13h30	Opening session

1. Opening Session

Italian and international personalities will address the Commission on the occasion of the 100th Plenary Session (see separate programme of speakers).

[Link to programme](#)

13h30-15h00	Lunch
15h00-18h00	Communications
	Follow-up to earlier Venice Commission opinions
	Discussion and adoption of opinions on individual countries
	Information on constitutional developments in other countries

2. Adoption of the Agenda**3. Communication by the President**

The President will present his recent activities (see document [CDL\(2014\)047](#)).

4. Communication by the Secretariat**5. Follow-up to earlier Venice Commission opinions**

The Commission will be informed on follow-up to:

Opinion on the procedure for appointing judges of the Constitutional Court in times of presidential transition in the Slovak Republic ([CDL-AD\(2014\)015](#));

Joint Opinion on the draft Law on disciplinary liability of Judges of the Republic of Moldova ([CDL-AD\(2014\)006](#));

Joint Opinion on the electoral code of “the former Yugoslav Republic of Macedonia” ([CDL-AD\(2013\)020](#); see document [CDL-REF\(2014\)038](#));

Opinion on the electoral legislation of Mexico ([CDL-AD\(2013\)021](#));

Joint Opinion on the Act on the Elections of Members of Parliament of Hungary ([CDL-AD\(2012\)012](#); see document [CDL-REF\(2014\)037](#));

Joint opinion on the draft law on amendments to the law on election of councillors and members of Parliament of Montenegro ([CDL-AD\(2011\)011](#); see document [CDL-REF\(2014\)039](#)).

The draft opinions on Montenegro and Serbia (see items 11 and 12) are a follow-up to previous opinions adopted on these countries.

6. “The former Yugoslav Republic of Macedonia”

The Commission is invited to hold an exchange of views with Mr Adnan Jashari, Minister for Justice of “the former Yugoslav Republic of Macedonia” and to examine, with a view to

adoption, the draft opinion ([CDL\(2014\)044](#)) on the draft amendments (XXXIII - XXXIX) to the Constitution of "the former Yugoslav Republic of Macedonia" concerning, in particular, the Judicial Council, the competence of the Constitutional Court and special financial zones ([CDL-REF\(2014\)030](#)) drawn up on the basis of comments by Mr Barrett, Ms Bazy Malaurie, Mr Can, Mr Grabenwarter and Ms Omejec.

The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 9 October 2014.

7. 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 Preliminary opinion ([CDL\(2014\)034](#)) on the Draft law amending the Constitution of Ukraine submitted by the President of Ukraine on 2 July 2014 ([CDL-REF\(2014\)027](#)) drawn up on the basis of comments by Mr Bartole, Ms Kiener, Mr Paczolay, Mr Papuashvili, Mr Scholsem, Ms Suchocka, Mr Tanchev, Mr Tuori, Mr Delcamp (Expert, Congress of Regional and Local Authorities of the Council of Europe) and Mr Marcou (Expert, Directorate of Democratic Governance, Directorate General of Democracy of the Council of Europe).

The Sub-Commission on Democratic Institutions will examine this preliminary opinion at its meeting on 9 October 2014.

In accordance with the decision taken at the 99th Plenary Session, the preliminary opinion has already been sent to the Ukrainian authorities.

8. Armenia

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2014\)040](#)) on the Concept Paper on the Constitutional Reforms of the Republic of Armenia ([CDL-REF\(2014\)033](#)) drawn up on the basis of comments by Mr Bartole, Mr Endzins, Mr Grabenwarter, Mr Lafitsky, Mr Tanchev and Mr Tuori.

9. Georgia

Mr David Usupashvili, Speaker of Parliament of Georgia will inform the Commission on progress of work on the reform of the Constitution of Georgia.

10. Malta

The Commission is invited to hold an exchange of views with the representative of Malta and to examine, with a view to adoption, the draft joint opinion ([CDL\(2014\)049](#)) by the Venice Commission and the OSCE/ODIHR on the draft law on political parties of Malta ([CDL-REF\(2014\)040](#)) drawn up on the basis of comments by Mr Alivizatos, Mr Kask and OSCE/ODIHR experts.

11. Montenegro

The Commission is invited to hold an exchange of views with Ms Branka Lakocevic, Deputy Minister for Justice of Montenegro and to examine, with a view to adoption, the draft opinion ([CDL\(2014\)043](#)) on the Draft law on the Constitutional Court of Montenegro ([CDL-REF\(2014\)034](#)) drawn up on the basis of comments by Mr Endzins, Mr Neppi Modona and Ms Wedam Lukic.

12. Serbia

The Commission is invited to examine, with a view to adoption, the draft joint opinion ([CDL\(2014\)048](#)) by the Venice Commission and the OSCE/ODIHR on the draft law amending the Law on the financing of political activities of Serbia ([CDL-REF\(2014\)035](#) and [036](#)) drawn up on the basis of comments by Mr Esanu, Mr Gonzalez Oropeza and OSCE/ODIHR experts.

13. Information on constitutional developments in other countries*Algeria*

Mr Mourad Medelci, President of the Constitutional Council of Algeria will inform the Commission on recent Constitutional developments in Algeria.

18h30 Departure of buses from the Ministry of Foreign Affairs
19h00 Visit of Villa Madama, Via di Villa Madama, 00194 Roma
 Reception

Saturday, 11 October 2014

<i>9h30-11h00</i>	<i>Discussion and adoption of opinions on individual countries (Continued)</i>
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9. Continued Georgia

The Commission is invited to hold an exchange of views with Ms Tea Tsulukiani, Minister for Justice of Georgia and with Mr Konstantine Kublashvili, Chairman, Supreme Court of Georgia and to examine, with a view to adoption, the draft joint opinion ([CDL\(2014\)039](#)) by the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law on Amendments to the Organic Law on General Courts of Georgia ([CDL-REF\(2014\)021](#) and [031](#)) drawn up on the basis of comments by Ms Banic, Mr Hirschfeldt and Mr Verschuur (DGI expert).

The Commission is invited to hold an exchange of views with Ms Tea Tsulukiani, Minister for Justice of Georgia and with Mr Konstantine Kublashvili, Chairman, Supreme Court of Georgia and to examine, with a view to adoption, the draft joint opinion ([CDL\(2014\)045](#)) by the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) on the Draft Law making changes to the Law on Disciplinary Liability and Disciplinary Proceedings of Judges of General Courts of Georgia ([CDL-REF\(2014\)022](#) and [032](#)) drawn up on the basis of comments by Ms Banic, Mr Hirschfeldt and Mr Borowski (DGI expert).

The Sub-Commission on the Judiciary will examine these draft opinions at its meeting on 10 October 2014.

The Commission is invited to hold an exchange of views with Ms Tea Tsulukiani, Minister for Justice of Georgia and with Mr Konstantine Kublashvili, Chairman, Supreme Court of Georgia and to examine, with a view to adoption, the draft joint opinion ([CDL\(2014\)038](#)) by the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe, on the draft Laws amending the Administrative, Civil and Criminal Procedure Codes of Georgia ([CDL-REF\(2014\)023](#)) drawn up on the basis of comments by Mr van Dijk and Mr Borowski (DGI expert).

12. Continued Serbia

The Commission is invited to hold an exchange of views with Mr Nikola Selakovic, Minister for Justice of Serbia and to examine, with a view to adoption, the draft opinion ([CDL\(2014\)041](#)) on draft amendments to the Law on the High Judicial Council of Serbia ([CDL-REF\(2014\)029](#)) drawn up on the basis of comments by Mr Hirschfeldt, Mr Vardzelashvili and Mr Velaers.

The Commission is invited to hold an exchange of views with Mr Nikola Selakovic, Minister for Justice of Serbia and to examine, with a view to adoption, the draft opinion ([CDL\(2014\)042](#)) on draft amendments to the Law on the State Prosecutorial Council of Serbia ([CDL-REF\(2014\)028](#)) drawn up on the basis of comments by Mr Esanu, Mr Sorensen and Mr Varga.

The Sub-Commission on the Judiciary will examine these draft opinions at its meeting on 10 October 2014.

11h00-11h15	<i>Coffee Break</i>
11h15-12h45	<i>Information on constitutional developments in other countries (Continued)</i>
	<i>Co-operation with other countries</i>
	<i>Constitutional Justice</i>
	<i>Report of the 4th Intercultural workshop on Democracy “transparency and the rule of law as pre-conditions of equitable and sustainable development” (Rome, 9 October 2014)</i>
	<i>Report of the joint meeting of the Sub-Commissions on Fundamental Rights, International Law and Latin America (10 October 2014)</i>

13. Continued Information on constitutional developments in other countries

Kazakhstan

Mr Rogov will inform the Commission on recent constitutional developments in Kazakhstan.

Kyrgyzstan

Mr Tekebaev will inform the Commission on recent constitutional developments in Kyrgyzstan.

Sweden

Mr Mats Melin, President of the Supreme Administrative Court of Sweden will address the Commission.

14. Co-operation with other countries

Albania

The Commission will be informed on progress of work on the reform of the judiciary in Albania.

15. Constitutional Justice

World Conference on Constitutional Justice

Mr Kang will inform the Commission on the results and conclusions of the 3rd Congress of the World Conference on Constitutional Justice which was held in Seoul on 28 September to 1 October 2014.

Conference of European Constitutional Courts

Mr Gerhart Holzinger, President of the Constitutional Court of Austria will inform the Commission on the Austrian Presidency of the Conference of European Constitutional Courts.

16. Report of the 4th Intercultural workshop on Democracy “transparency and the rule of law as pre-conditions of equitable and sustainable development” (Rome, 9 October 2014)

The Commission will be informed on the results and conclusions of the 4th Intercultural workshop on Democracy “transparency and the rule of law as pre-conditions of equitable and sustainable development” held in Rome on 9 October 2014.

[Link to the programme](#)

17. Report of the joint meeting of the Sub-Commissions on Fundamental Rights, International Law and Latin America (10 October 2014)

The Chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 10 October 2014.

[Link to annotated agenda](#)

The Commission may be invited to examine with a view to adoption the Report on the implementation of human rights treaties in domestic law and the role of courts ([CDL\(2014\)046](#)) drawn up on the basis of comments by Ms Bilkova, Mr van Dijk and Ms Peters.

12h45-13h00

Closing session

18. Other business

19. Dates of the next sessions

The remaining session for 2014 is confirmed as follows:

101st Plenary Session 12-13 December 2014

Sub-Commission meetings as well as the meeting of the Council for Democratic Elections will take place on the day before the Plenary Sessions.

The schedule of sessions for 2015 is confirmed as follows:

102nd Plenary Session 20-21 March 2015
103rd Plenary Session 19-20 June 2015
104th Plenary Session 23-24 October 2015
105th Plenary Session 18-19 December 2015

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](#)