



Strasbourg 6 March 2015

CDL-PL-OJ(2015)001ann
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

102nd PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 20 March 2015 (9.00 a.m.-6.00 p.m.) -
Saturday, 21 March 2015 (10.45 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

PLEASE NOTE THAT
ON SATURDAY 21 MARCH 2015
THE PLENARY SESSION WILL COMMENCE AT 10.45 a.m.
EXCEPT FOR THE MEMBERS OF THE ENLARGED BUREAU

Friday, 20 March 2015

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\(2015\)005](#)).

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 19 March 2015.

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 Almir Šahović, Permanent Representative of Bosnia and Herzegovina to the Council of Europe and with Ambassador Konstantin Korkelia, Permanent Representative of Georgia to the Council of Europe.

6. 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 Philippe Receveur, Chair of the Monitoring Committee of the Congress and with Mr Alain Delcamp, former Chair of the Group of Independent Experts, the Congress' adviser on constitutional matters.

7. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Opinion on the seven amendments 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-AD\(2014\)026](#));

Joint Opinion on Draft Amendments to Legislation on the Election of People's Deputies of Ukraine ([CDL-AD\(2013\)026](#));

Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on making changes to the Law on Disciplinary Liability and Disciplinary Proceedings of Judges of General Courts of Georgia ([CDL-AD\(2014\)032](#));

Opinion on the Draft Constitutional Law on the Constitutional Court of Tajikistan ([CDL-AD\(2014\)017](#)); see document [CDL-REF\(2015\)007](#) (Russian only);

Report on the Role of Extra-Institutional Actors in the Democratic System (Lobbying) ([CDL-AD\(2013\)011](#)).

The draft opinions on the Republic of Moldova, Montenegro (Prosecutors) and Ukraine (see items 8, 9 and 11) are a follow-up to previous opinions adopted on these countries.

8. Republic of Moldova

The Commission is invited to hold an exchange of views with the representatives of the Republic of Moldova and to examine, with a view to adoption, the draft joint opinion ([CDL\(2015\)010](#)) by the Venice Commission, the Directorate of Human Rights (DGI) and the OSCE/ODIHR on the Draft Law on the Prosecution Service of the Republic of Moldova ([CDL-REF\(2014\)052](#) and [054](#)) drawn up on the basis of comments by Mr Kivalov, Mr Sorensen, Mr Tuori and Mr Varga as well as Ms Lorena Bachmeier Winter and Mr Jeremy McBride (DGI experts) and Mr John Pearson (OSCE/ODIHR expert).

The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 19 March 2015.

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

9. Ukraine

a. The Commission is invited to hold an exchange of views with the representatives of Ukraine and to examine, with a view to adoption the draft joint opinion by the Venice Commission and the Directorate of Human Rights (DGI) ([CDL\(2015\)011](#)) on the Law on the Judiciary and the Status of Judges and amendments to the Law on the High Council of Justice of Ukraine ([CDL-REF\(2015\)004](#)) drawn up on the basis of comments by Ms Suchocka, Mr Sorensen, Mr Hamilton (Venice Commission expert) and Mr Gerhard Reissner (DGI expert). In addition the Commission is invited to take note of the preliminary opinion ([CDL\(2015\)004](#)) on the draft law on the Judiciary and the Status of Judges ([CDL-REF\(2015\)003](#)) drawn up on the basis of comments by Ms Suchocka, Mr Sorensen and Mr Hamilton (Venice Commission expert), sent to the Ukrainian authorities on 11 February 2015.

The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 19 March 2015.

b. The Commission will be informed on the co-operation with the Ukrainian authorities with a view to the preparation of draft amendments to the Law on Government Cleansing ("Lustration Law") of Ukraine, following the adoption in December 2014 of an interim opinion on the Lustration Law ([CDL-AD\(2014\)044](#)), on the basis of comments by Ms Bilkova, Mr Haenel, Mr Papuashvili, Ms Peters, Ms Suchocka, Mr Vermeulen and Mr Gerhard Reissner (DGI expert).

The Sub-Commissions on Democratic Institutions and Fundamental Rights will address this issue at the joint meeting on 19 March 2015.

c. In addition, on 4 March 2015 the Commission received a request for opinion on constitutional amendments with respect to the immunity of members of parliament and judges ([CDL-REF\(2015\)006](#)). The Commission is invited to start consideration of this item in the presence of the representatives of Ukraine.

d. The Commission will be informed on progress of work on constitutional reform and on the amendments to the electoral legislation and practice in Ukraine.

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

10. Draft Report on proportional electoral systems: the allocation of seats inside the lists (Open/Closed Lists)

The Commission is invited to examine, with a view to adoption, the draft report on proportional electoral systems: the allocation of seats inside the lists (Open/Closed Lists) ([CDL\(2015\)016](#); see also document [CDL\(2015\)015](#)) drawn up on the basis of comments by Mr Barrett, Mr Kask, Mr Mifsud Bonnici (Venice Commission expert) and Mr Kare Vollan (Venice Commission expert).

This draft report will be examined by the Council for Democratic Elections at its meeting on 19 March 2015.

11. Montenegro

The Commission is invited to endorse the draft final opinion ([CDL\(2015\)003](#)) on the Revised Draft law on the State Prosecutor's Office of Montenegro ([CDL-REF\(2015\)002](#)) drawn up on the basis of comments by Mr Neppi Modona, Mr Sorensen and Mr Hamilton (Venice Commission expert). In accordance with the decision taken at the 101st Plenary Session the draft opinion has already been sent to the Montenegrin authorities.

The Commission is invited to endorse the draft final opinion ([CDL\(2015\)002](#)) on the Revised Draft law on Special State Prosecutor's Office of Montenegro ([CDL-REF\(2015\)001](#)) drawn up on the basis of comments by Mr Neppi Modona, Mr Sorensen, Mr Toader and Mr Hamilton (Venice Commission expert). In accordance with the decision taken at the 101st Plenary Session the draft opinion has already been sent to the Montenegrin authorities.

The Commission is invited to hold an exchange of views the representative of Montenegro and to examine, with a view to adoption, the draft opinion ([CDL\(2015\)012](#)) on Draft amendments to the Law on media of Montenegro ([CDL-REF\(2015\)005](#)) drawn up on the basis of comments by Mr Grabenwarter, Mr Hoffmann-Riem, Ms Kjerulf Thorgeirsdottir and Mr van Dijk (Venice Commission expert). The Sub-Commissions on Democratic Institutions and Fundamental Rights will examine this draft opinion at the joint meeting on 19 March 2015.

16h00-16h15	Coffee Break
16h15-18h00	Discussion and adoption of opinions on individual countries (Continued) Studies and Reports Co-operation with other countries Information on constitutional developments in other countries

12. Georgia

The Commission will be informed on the progress on constitutional reform in Georgia.

13. Update of the report on the Democratic Oversight of the Security Services

The Commission is invited to examine, with a view to adoption, the draft update of the report on the Democratic Oversight of the Security Services ([CDL\(2015\)014](#)) drawn up on the basis of comments by Mr Cameron.

Mr Mario Oetheimer will inform the Commission about the project of the EU Agency for Fundamental Rights on “National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies” and co-operation with the Venice Commission.

The Sub-Commissions on Democratic Institutions and Fundamental Rights will examine this draft report at the joint meeting on 19 March 2015.

14. Co-operation with other countries

Albania

The President will inform the Commission on the results of his recent visit to Tirana.

Jordan

The Commission is invited to hold an exchange of views with Mr Taher Hikmat, President of the Constitutional Court of Jordan.

Tunisia

The President will inform the Commission on the results of his recent visit to Tunisia.

15. Information on constitutional developments in other countries

Kazakhstan

Mr Rogov will inform the Commission on the latest developments in the legal sphere in Kazakhstan.

19h15	Departure by bus from Piazzale Roma
20h00	Dinner at Restaurant “ Park Ristorante da Odino ”, Quarto d’Altino
22h30	Return to Venice (Piazzale Roma)

Saturday, 21 March 2015

9h00-10h30	Meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly
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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>Rule of Law Checklist</i>
	<i>UniDem Campus programme</i>
	<i>Adoption of the Annual Report of activities 2014</i>
	<i>World Conference on Constitutional Justice</i>
	<i>Report of the meeting of the Council for Democratic Elections</i>
	<i>Report of the meeting of the Scientific Council</i>
	<i>Report of the meeting of the Sub-Commission on the Mediterranean Basin</i>

16. 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 21 March 2015.

The Commission is invited to hold an exchange of views with Mr Jean-Claude Mignon, Former President of the Parliamentary Assembly of the Council of Europe and with Mr Arcadio Diaz Tejera, 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 opinion on the lustration law of Ukraine (see item 9) falls into the framework of co-operation with the Parliamentary Assembly.

17. Rule of Law Checklist

The Commission will be informed on progress of work on the Rule of Law Checklist following the meeting on 18 March 2015.

18. UniDem Campus programme

Mr Mohamed Moubdi, Minister responsible for the civil service and for the modernisation of the Administration of Morocco, will inform the Commission on the UniDem Campus Programme for the regional training of senior civil servants in the countries of the Southern Mediterranean.

19. Adoption of the annual report of activities 2014

The Commission is invited to examine with a view to adoption the draft annual report of activities 2014 ([CDL\(2015\)001](#)).

20. World Conference on Constitutional Justice

The Commission will be informed on the meeting of the Bureau of the World Conference on Constitutional Justice which will take place in Venice on Saturday 21 March 2015.

21. Report of the meetings of the Council for Democratic Elections (13 December 2014 and 19 March 2015)

The President of the Council will inform the Commission on the results and conclusions of the meetings held on 13 December 2014 and on 19 March 2015.

[Link to annotated agenda](#)

The draft report on proportional electoral systems: the allocation of seats inside the lists (Open/Closed Lists) is dealt with under item 10.

22. Report of the meeting of the Scientific Council (19 March 2015)

The President of the Scientific Council will inform the Commission on the results and conclusions of the meeting held on 19 March 2015.

The Commission will be invited to endorse the draft compilation of Venice Commission Opinions and Reports concerning Courts and Judges ([CDL-PI\(2015\)001](#)).

23. Report of the meeting of the Sub-Commission on the Mediterranean Basin (19 March 2015)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 19 March 2015.

[Link to annotated agenda](#)

24. Other business

25. Dates of the next sessions

The schedule of sessions for 2015 is confirmed as follows:

103 rd Plenary Session	19-20 June 2015
104 th Plenary Session	23-24 October 2015
105 th 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](#)

[Link to table plan](#)