



Strasbourg 5 June 2015

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

103rd PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 19 June 2015 (9.00 a.m.-6.00 p.m.) -
Saturday, 20 June 2015 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 19 June 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\(2015\)026](#)).

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 18 June 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, Chair of the Ministers' Deputies, with Ambassador Dirk van Eeckhout, Permanent Representative of Belgium to the Council of Europe and with Ambassador Iraklis Asteriadis, Permanent Representative of Greece to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

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 opinions on Hungary and Ukraine (Iustration) (see items 10 and 13) 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 Andreas Kiefer, Secretary General of the Congress and with Mr Alain Delcamp, former Chair of the Group of Independent Experts, the Congress' adviser on constitutional matters.

8. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Amicus Curiae Brief for the Constitutional Court of Moldova on certain provisions of the law on professional integrity testing ([CDL-AD\(2014\)039](#));

Joint Opinion on the draft Law on the Prosecution Service of the Republic of Moldova ([CDL-AD\(2015\)005](#));

Joint Opinion on the draft election code of Georgia ([CDL-AD\(2011\)043](#));

Joint Opinion on Draft Amendments to the Law on the financing of political activities of Serbia ([CDL-AD\(2014\)034](#)); see also document [CDL-REF\(2015\)019](#);

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

The draft opinions on Armenia, Kyrgyzstan and Ukraine (see items 9, 12 and 10) are a follow-up to previous opinions adopted on these countries.

9. Armenia

The Commission will be informed on co-operation with the authorities on constitutional reform, in particular on the meeting on the draft amendments to the first two chapters of the Constitution of Armenia ([CDL-REF\(2015\)014](#)), which took place in Paris on 18-19 May 2015. The Commission is invited to authorise the rapporteurs (Mr Bartole, Mr Endzins, Mr Grabenwarter, Ms Khabrieva, Mr Tanchev and Mr Tuori) to send the preliminary opinion on the draft amendments to the Constitution to the authorities before its adoption at the October session.

The Commission will be informed on the request from the Ombudsman of Armenia for an opinion on the draft Ombudsman law.

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

10. Ukraine

Mr Oleksiy Filatov, Deputy Head of the Presidential Administration, Secretary of the Constitutional Commission of Ukraine will inform the Commission on the progress of constitutional reform. The Commission may be invited to authorise the rapporteurs to send the preliminary opinion on the draft amendments to the Constitution to the authorities before its adoption at the October session.

The Commission is invited is invited to hold an exchange of views with Mr Volodymyr Groyzman, Speaker of the Parliament of Ukraine and to examine, with a view to adoption, the draft opinion ([CDL\(2015\)018](#)) on Draft law on introducing changes to the Constitution of Ukraine on the immunity of Members of Parliament and judges ([CDL-REF\(2015\)006](#)), drawn up on the basis of comments by Mr Bartole, Ms Suchocka and Mr Tuori.

The Commission is invited to hold an exchange of views with Mr Pavlo Petrenko, Minister of Justice of Ukraine, and to examine, with a view to adoption, the draft joint final opinion ([CDL\(2015\)023](#)) by the Venice Commission and the Directorate of Human Rights (DGI), on the draft Law amending the law on Government Cleansing ("Lustration Law") and other relevant laws of Ukraine ([CDL-REF\(2015\)015](#)), following the adoption in December 2014 of an interim opinion on the Lustration Law ([CDL-AD\(2014\)044](#)), drawn up on the basis of comments by Ms Bilkova, Mr Papuashvili, Ms Peters, Ms Suchocka, Mr Vermeulen and Mr Gerhard Reissner (DGI expert).

The Commission will be informed on progress of work on the law on local elections.

11. Georgia

The Commission is invited to examine, with a view to adoption, the *amicus curiae* brief for the Constitutional Court of Georgia on the non ultra petita rule in criminal cases ([CDL\(2015\)021](#)) drawn up on the basis of comments by Ms Cleveland, Mr Knezevic and Mr Nicolatos.

The Sub-Commissions on Democratic Institutions and Fundamental Rights will examine this draft opinion at the joint meeting on 18 June 2015.

The Commission will be informed on progress of constitutional reform in Georgia and on the new request for an opinion on the draft amendments to the law on the prosecution service ([CDL-REF\(2015\)008](#)). It is invited to authorise the rapporteurs (Mr Barrett and Mr Esanu) to send the preliminary opinion on these amendments to the authorities before its adoption at the October session.

12. Kyrgyzstan

The Commission is invited to hold an exchange of views with Ms Natalia Nikitenko, Chair of the Committee on Human Rights, Constitutional Legislation and State Structure, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2015\)022](#)) on the amendments to the Constitution of Kyrgyzstan ([CDL-REF\(2015\)020](#)) drawn up on the basis of comments by Ms Aydin, Mr Endzins, Mr Gstöhl, Mr Kang, Mr Vardzelashvili as well as OSCE/ODIHR experts.

The Sub-Commissions on Democratic Institutions and Fundamental Rights will examine this draft opinion at the joint meeting on 18 June 2015.

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

13. Hungary

The Commission is invited to hold an exchange of views with Mr László Trócsányi, Minister of Justice of Hungary and to examine, with a view to adoption, the draft opinion ([CDL\(2015\)020](#)) on Media Legislation (Act CLXXXV on Media Services and on the Mass Media, Act CIV on Freedom of the Press and the Legislation on Taxation of Advertisement Revenues of Mass Media) ([CDL-REF\(2015\)011](#)) drawn up on the basis of comments by Mr Alivizatos, Mr Frendo, Mr Velaers and Ms Eve Salomon (DGI expert).

The Sub-Commissions on Democratic Institutions and Fundamental Rights will examine this draft opinion at their joint meeting on 18 June 2015.

14. Italy

The Commission is invited to hold an exchange of views with Mr Bruno Dorigatti, President of the Provincial Council of Trento, and to examine, with a view to adoption, the draft opinion ([CDL\(2015\)019](#)) on the Citizen's initiative bill on public participation, citizens' initiative, referendum and popular initiative and amendments to the provincial electoral law on the Province of Trento ([CDL-REF\(2015\)016](#) and [017](#)) drawn up on the basis of comments by Mr Castella Andreu, Ms Kiener, Mr Maiani and Ms Peters.

This draft opinion will be examined by the Council for Democratic Elections at its meeting on 18 June 2015.

Mr Bartole will inform the Commission on the revision of the Electoral law in Italy.

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Discussion and adoption of opinions on individual countries (Continued) Studies and Reports</i>

15. Republic of Moldova

The Commission is invited to hold an exchange of views with Mr Mihail Cotorobai, People's Advocate of the Republic of Moldova, and to examine, with a view to adoption, the draft opinion ([CDL\(2015\)013](#)) on the Law on the People's Advocate of the Republic of Moldova ([CDL-REF\(2015\)018](#)) drawn up on the basis of comments by Ms Err, Mr Huseynov and Mr Sorensen.

16. Tunisia

The Commission is invited to hold an exchange of views with Mr Mohamed Salah Ben Aissa, Minister of Justice and with Mr Amin Mahfoudh, Chair of the Expert Committee for drawing up the draft law on the Constitutional Court, on the preparation of this draft law.

The Commission is invited to hold an exchange of views with Mr Abada Kefi, Chair of the Committee on General Legislation, on the recently adopted Law on High Council of Justice of Tunisia. [Link to law translated by UNDP](#) (French only).

17. Report on restrictions on freedom of expression and freedom of association of judges

The Commission is invited to examine with a view to adoption, the draft report ([CDL\(2015\)025](#)) on restrictions on freedom of expression and freedom of association of judges, drawn up on the basis of comments by Mr Grabenwarter, Mr Hirschfeldt and Mr Kreca, at the request of the Inter-American Court of Human Rights.

20h00

Dinner at:
Palazzo Franchetti (Istituto Veneto di Scienze, Lettere ed Arti)
Ponte dell'Accademia
Venezia
Tel: + 39 041 2407711
<http://www.palazzofranchetti.it/en/>

Saturday, 20 June 2015

9h00-10h30

Studies and Reports (Continued)
Co-operation with other countries
Information on constitutional developments in other countries
Organisation of Arabic Speaking Electoral Management Bodies

18. Report on the method of nomination of candidates in political parties

The Commission is invited to examine, with a view to adoption, the draft report on the method of nomination of candidates in political parties ([CDL\(2015\)028](#)) drawn up on the basis of comments by Ms Alanis Figueroa, Ms Biglino and Mr Craig.

This draft report will be examined by the Council for Democratic Elections at its meeting on 18 June 2015.

19. Preliminary Report on exclusion of offenders from Parliament

The Commission is invited to examine, with a view to adoption, the preliminary report on exclusion of offenders from Parliament ([CDL\(2015\)029](#)) drawn up on the basis of comments by Mr Bartole, Mr Kask and Mr Sorensen. This report follows a request by the Albanian authorities, who are drafting legislation dealing in particular with the issue of people with criminal records, who hold or seek to be elected or appointed to a public office.

This draft report will be examined by the Council for Democratic Elections at its meeting on 18 June 2015.

20. Co-operation with other countries

Peru

The Commission will be informed on progress of work on the draft opinions on the Criminal Code provisions on hate crimes and others of Peru and on the Anti-discrimination legislation of Peru.

Turkey

The Commission will be informed on progress of work on the draft opinion on Law N°5651 on the Internet and Articles 216, 301 and 314 of the Penal Code of Turkey.

21. Information on constitutional developments in other countries

United Kingdom

Mr Clayton will inform the Commission on developments with respect to the Human Rights Act.

22. Organisation of Arabic Speaking Electoral Management Bodies

Mr Frendo will inform the Commission about the Venice Commission's participation in the launching event of an Organisation of Arabic Speaking Electoral Management Bodies which took place in Beirut on 8-9 June 2015.

10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Oxford University Science of Constitutions Programme</i>
	<i>Gender Equality Commission</i>
	<i>Compilations of Venice Commission opinions and reports</i>
	<i>Report of the meeting of the Council for Democratic Elections</i>
	<i>Report of the meeting of the Sub-Commission on the Rule of Law</i>

23. Information on the Oxford University Science of Constitutions Programme

Mr Denis Galligan, Ms Monika Magyar and Mr Daniel Smilov will inform the Commission about this programme.

24. Gender Equality Commission

Mr Clayton will inform the Commission of the results of the meeting of the Gender Equality Commission which took place in Strasbourg on 16 April 2015.

25. Compilations of Venice Commission opinions and reports

The Commission is invited to endorse the Compilations of Venice Commission opinions and reports in the field of Constitutional Justice ([CDL\(2015\)024](#)) and on Prosecutors ([CDL\(2015\)027](#)).

26. Report of the meeting of the Council for Democratic Elections (18 June 2015)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 18 June 2015.

[Link to annotated agenda](#)

The draft opinion on the Citizen's initiative bill on public participation, citizens' initiative, referendum and popular initiative and amendments to the provincial electoral law on the Province of Trento, Italy and the draft reports on the method of nomination of candidates in political parties and on exclusion of offenders from Parliament are dealt with under items 14, 18 and 19.

27. Report of the meeting of the Sub-Commission on the Rule of Law (18 June 2015)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 18 June 2015.

[Link to annotated agenda](#)

12h45-13h00	<i>Closing session</i>
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28. Other business

29. Dates of the next sessions

The schedule of sessions for 2015 is confirmed as follows:

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.

The Commission is invited to confirm the schedule of sessions for 2016 as follows:

106 th Plenary Session	11-12 March 2016
107 th Plenary Session	10-11 June 2016
108 th Plenary Session	14-15 October 2016
109 th Plenary Session	9-10 December 2016

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](#)