



Strasbourg, 26 February 2016

**CDL-PL-OJ(2016)001ann**  
Or. Engl

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**106<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 11 March 2016 (9.00 a.m.-6.00 p.m.) -**  
**Saturday, 12 March 2016 (9.00 a.m.-1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**Friday, 11 March 2016**

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\(2016\)011](#)).

**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 10 March 2016. Mr Helgesen will present the future composition of the Scientific Council.

**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 Miroslav Papa, Permanent Representative of Croatia to the Council of Europe, with Ambassador Guido Bellatti Ceccoli, Permanent Representative of San Marino to the Council of Europe and with Ambassador Božidarka Krunić, Permanent Representative of Montenegro to the Council of Europe.

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

The Commission is invited to hold an exchange of views with Ms Anne Brasseur, Former President of the Parliamentary Assembly of the Council of Europe and with Mr Philippe Mahoux, 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 France, the Russian Federation and Turkey (see items 10, 12 and 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 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.

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

The Commission will be informed on follow-up to:

Joint Opinion on the Electoral Code of "the former Yugoslav Republic of Macedonia" ([CDL-AD\(2013\)020](#)); see document [CDL-REF\(2016\)020](#);

Amicus Curiae brief in the case of Rywin v. Poland (Applications Nos 6091/06, 4047/07, 4070/07) before the European Court of Human Rights (on Parliamentary Committees of inquiry) ([CDL-AD\(2014\)013](#));

Joint Opinion on the Draft Act to regulate the formation, the inner structures, functioning and financing of political parties and their participation in elections of Malta ([CDL-AD\(2014\)035](#)); see document [CDL-REF\(2016\)021](#);

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

Report on the Freedom of expression of Judges ([CDL-AD\(2015\)018](#));

Report on exclusion of offenders from Parliament ([CDL-AD\(2015\)036](#));

Opinions of 2015 on constitutional reform in Ukraine.

## 9. Albania

The Commission is invited to hold an exchange of views with Mr Kristaq Traja, Chair of the High Level Expert Group on the Amendment of the Constitution of Albania and to examine, with a view to adoption, the draft final opinion ([CDL\(2016\)002](#)) on the draft constitutional amendments on the judiciary of Albania ([CDL-REF\(2016\)008](#)) (see also documents [CDL-REF\(2016\)012](#), [013](#) and [014](#)) drawn up on the basis of comments by Mr Bartole, Ms Suchocka, Mr Hamilton (Venice Commission expert) and Mr Vardzelashvili (Venice Commission expert). See also interim opinion adopted at December 2015 session ([CDL-AD\(2015\)045](#)).

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

## 10. France

The Commission is invited to hold an exchange of views with the representative of France and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)012](#)) on amendments to the French Constitution ([CDL-REF\(2016\)016](#) and [017](#)) drawn up on the basis of comments by Mr Alivizatos, Ms Kiener, Ms Suchocka, Mr Tuori and Mr Velaers. The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 10 March 2016.

## 11. Poland

The Commission is invited to hold an exchange of views with the representative of Poland and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)003](#)) on constitutional issues addressed in amendments to the Act of 25 June 2015 on the Constitutional Court of Poland ([CDL-REF\(2016\)009](#); see also document [CDL-REF\(2016\)015](#)) drawn up on the basis of comments by Ms Bilkova, Ms Cleveland, Mr Frendo, Mr Grabenwarter, Mr Scholsem and Mr Tuori. The Sub-Commissions on Constitutional Justice and on International Law will examine this draft opinion at the joint meeting on 10 March 2016.

## 12. Russian Federation

The Commission is invited to hold an exchange of views with the representative of the Russian Federation and to examine, with a view to adoption, the draft interim opinion ([CDL\(2016\)008](#)) on Amendments to the Constitutional Law on the Constitutional Court of the Russian

Federation (implementation of findings of international bodies for the protection of human rights and freedoms) ([CDL-REF\(2016\)006](#) and [007](#); see also document [CDL-REF\(2016\)019](#)) drawn up on the basis of comments by Mr Aurescu, Mr Bartole, Mr Cameron, Mr Craig, Mr Hoffmann-Riem and Mr Kuijer. The Sub-Commissions on Constitutional Justice and on International Law will examine this draft interim opinion at the joint meeting on 10 March 2016.

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

### 13. Georgia

The Commission is invited to examine, with a view to adoption, the draft joint opinion ([CDL\(2016\)004](#)) by the Venice Commission and the OSCE/ODIHR on amendments to the Election Code of Georgia ([CDL-REF\(2016\)001](#) and [005](#); see also documents [CDL-REF\(2016\)003](#) and [004](#)) drawn up on the basis of comments by Mr González Oropeza, Mr Kask as well as Ms Kseniya Dashutina, OSCE/ODIHR election expert. This draft joint opinion will be examined by the Council for Democratic Elections at its meeting on 10 March 2016.

### 14. Turkey

The Commission is invited to hold an exchange of views with the representative of the Ministry of Justice of Turkey and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)007](#)) on some provisions of the Penal Code of Turkey ([CDL-REF\(2016\)011](#)) drawn up on the basis of comments by Ms Bilkova, Ms Cleveland, Ms Kjerulf-Thorgeirsdottir, Mr Sorensen and Mr van Dijk (Venice Commission expert). The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 10 March 2016.

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

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

The Commission is invited to hold an exchange of views with the representative of the Ministry of Justice of “the former Yugoslav Republic of Macedonia” and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)001](#)) on the Law on protection of privacy and the Law on the protection of whistleblowers ([CDL-REF\(2016\)002](#)) drawn up on the basis of comments by Mr Barrett, Ms Bazy Malaurie, Mr Meridor and Mr Vermeulen. The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 10 March 2016.

### 16. Draft joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes

The Commission is invited to examine, with a view to adoption, the draft joint Guidelines ([CDL\(2016\)009](#)) by the Venice Commission and the OSCE/ODIHR for preventing and responding to the misuse of administrative resources during electoral processes drawn up on the basis of comments by Mr Barrett, Mr González Oropeza, Mr Hirschfeldt, Mr Kask, Mr Kalchenko (Venice Commission expert) as well as the OSCE/ODIHR Election experts. These draft joint guidelines will be examined by the Council for Democratic Elections at its meeting on 10 March 2016.

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19h15 Departure by bus from Venice (Piazzale Roma)

20h00 Dinner at Trattoria dall'Amelia, Mestre

<http://www.dallamelia.it/>

22h30 Return to Venice

**Saturday, 12 March 2016**

9h00-10h30

*Rule of Law checklist*

*Discussion and adoption of Opinions on individual countries (Continued)*

*Constitution Monitoring*

**17. Rule of Law checklist**

The Commission is invited to examine, with a view to adoption, the draft Rule of Law checklist ([CDL\(2016\)006](#)) drawn up on the basis of comments by Mr Bartole, Ms Bilkova, Ms Cleveland, Mr Craig, Mr Helgesen, Mr Hoffmann-Riem, Mr Tuori as well as Mr van Dijk and Mr Jowell (Venice Commission experts). The Sub-Commission on the Rule of Law will examine the draft checklist at its meeting on 10 March 2016.

**18. Armenia**

The Commission received a request for a joint opinion with the OSCE/ODIHR on the draft Electoral Code of Armenia ([CDL-REF\(2016\)018](#)). The visit of the rapporteurs will take place just after the session. The Commission is invited to authorise the rapporteurs (Mr Barrett, Ms Biglino, Mr Tanchev and Mr Vollan, Venice Commission expert) to send a preliminary opinion to the authorities prior to the June session since the newly adopted Constitution requires the Code to be adopted in early June.

**19. Constitution monitoring**

Mr Harutyunyan will address the Commission on the topic of Constitution monitoring.

10h30-10h45

*Coffee Break*

10h45-12h45

*Compilations on Venice Commission opinions and reports*

*Adoption of the Annual Report of Activities 2015*

*World conference on Constitutional Justice*

*Co-operation with other countries*

*Information on constitutional developments in other countries*

*Reports of the meeting of the Council for Democratic Elections*

**20. Compilations of Venice Commission opinions and reports**

The Commission is invited to endorse the up-dated compilation of Venice Commission opinions and reports concerning political parties ([CDL\(2016\)005](#)) and the compilation on local self-government ([CDL\(2016\)010](#)).

**21. Adoption of the Annual Report of activities 2015**

The Commission is invited to examine with a view to adoption the draft annual report of activities 2015 ([CDL\(2016\)013](#)).

**22. 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 12 March 2016.

**23. Co-operation with other countries***Central Asia*

The Commission will be informed on the publication entitled “Judicial systems of Central Asia: a comparative overview”.

*Tunisia*

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

**24. Information on constitutional developments in other countries***Bosnia and Herzegovina*

The President will inform the Commission on developments concerning the Constitutional Court of Bosnia and Herzegovina.

*Croatia*

The President will inform the Commission on developments concerning the Constitutional Court of Croatia.

**25. Report of the meeting of the Council for Democratic Elections (10 March 2016)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 10 March 2016.

[Link to annotated agenda](#)

The opinion on Georgia and the draft joint Guidelines on preventing and responding to the misuse of administrative resources during electoral processes are dealt with under items 13 and 16 above.

12h45-13h00	Closing session
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**26. Other business**

**27. Dates of the next sessions**

The schedule of sessions for 2016 is confirmed as follows:

107 <sup>th</sup> Plenary Session	10-11 June 2016
108 <sup>th</sup> Plenary Session	14-15 October 2016
109 <sup>th</sup> 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](#)