



Strasbourg 25 November 2016

**CDL-PL-OJ(2016)004ann**  
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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**109<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 9 December 2016 (9.00 a.m.-6.00 p.m.) -**  
**Saturday, 10 December 2016 (11.00 a.m.-1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**PLEASE NOTE THAT**  
**ON SATURDAY 10 DECEMBER 2016**  
**THE PLENARY SESSION WILL COMMENCE AT 11.00 a.m.**  
**EXCEPT FOR THE MEMBERS OF THE ENLARGED BUREAU**

**Friday, 9 December 2016**

9h00-10h45

*Opening session  
Elections  
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\(2016\)043](#)).

**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 8 December 2016.

**4. Communication by the Secretariat****5. Elections**

The Commission is invited to elect the Co-Chair of the Joint Council on Constitutional Justice and Chair of the Sub-Commission on Constitutional Justice, following the non-renewal of the term of office of Mr Tanchev.

**6. 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 Torbjörn Haak, Permanent Representative of Sweden to the Council of Europe, with Ambassador Gerhard Küntzle, Permanent Representative of Germany to the Council of Europe and with Ambassador Satu Mattila-Budich, Permanent Representative of Finland to the Council of Europe.

**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 Leen Verbeek, Vice-President of the Congress, President of the Monitoring Committee 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:

Second Joint Opinion on the Electoral Code of Armenia (as amended on 30 June 2016) ([CDL-AD\(2016\)031](#));

Opinion on the suspension of the second paragraph of Article 83 of the Constitution of Turkey (parliamentary inviolability) ([CDL-AD\(2016\)027](#));

Opinion on the Act on the Constitutional Tribunal of Poland ([CDL-AD\(2016\)026](#));

Joint opinion on the draft law "on Introduction of amendments and changes to the Constitution" of the Kyrgyz Republic ([CDL-AD\(2016\)025](#));

Amicus Curiae Brief for the Constitutional Court of Albania on the restitution of property ([CDL-AD\(2016\)023](#));

## 9. Turkey

The Commission is invited to hold an exchange of views with Mr Selahaddin Menteş, Deputy Undersecretary, Ministry of Justice, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)039](#)) on Emergency Decrees of Turkey ([CDL-REF\(2016\)061](#) and [addendum](#); see also document [CDL-REF\(2016\)067](#)), drawn up on the basis of comments by Ms Bazy Malaurie, Ms Cleveland, Ms Kiener, Ms Suchocka, Mr Tuori and Mr Velaers. The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 8 December 2016.

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

## 10. Armenia

The Commission is invited to hold an exchange of views with Ms Arpine Hovhannisyan, Minister of Justice of Armenia, and to examine, with a view to adoption, the joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2016\)012](#)) on the draft constitutional law of the Republic of Armenia on political parties ([CDL-REF\(2016\)063](#)), drawn up on the basis of comments by Mr Barrett, Ms Biglino and Mr Darmanovic as well as OSCE/ODIHR experts.

The Commission is invited to hold an exchange of views with Ms Arpine Hovhannisyan, Minister of Justice of Armenia, and with Mr Arman Tatoyan, Human Rights Defender of the Republic of Armenia, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)044](#)) on the draft constitutional law of the Republic of Armenia on the Human Rights Defender ([CDL-REF\(2016\)059](#)), drawn up on the basis of comments by Mr Aurescu, Mr Holmøyvik, Ms Omejec and Mr Sørensen.

## 11. Albania

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2016\)040](#)) for the Constitutional Court of Albania on the Law for the temporary re-evaluation of Judges and Prosecutors (Vetting Law) ([CDL-REF\(2016\)062](#); see also document [CDL-REF\(2016\)064](#)), drawn up on the basis of comments by Mr Bartole, Mr Hamilton and Mr Vardzelashvili.

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

## 12. Republic of Moldova

The Commission is invited to hold an exchange of views with Mr Igor Vrenea, Member of the Legal Committee, Nominations and Immunities, Parliament of the Republic of Moldova, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)041](#)) on the Special Status Law

of Taraclia (Republic of Moldova) ([CDL-REF\(2016\)045](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Castella and Mr Velaers.

The Commission is invited to hold an exchange of views with the representative of the Republic of Moldova, and to examine, with a view to adoption, the draft joint opinion ([CDL\(2016\)038](#)) by the Venice Commission, the Directorate of Information Society and Action against Crime and the Directorate of Human Rights (DGI) on Draft Law No. 161 amending and completing existing Legislation in the field of combating cybercrime ([CDL-REF\(2016\)058](#)), drawn up on the basis of comments by Mr Cameron, Mr Sørensen and Mr Vermeulen as well as DGI experts. The Sub-Commission on Fundamental Rights will examine the draft joint opinion at its meeting on 8 December 2016.

### **13. Spain**

The Bureau decided to postpone examination of the draft opinion on amendments to the Organic law on the Constitutional Court of Spain to a forthcoming session.

16h00-16h15

*Coffee Break*

16h15-18h00

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

*Constitutional developments in Observer States*

*Co-operation with other countries*

### **14. Ukraine**

The Commission is invited to hold an exchange of views with Mr Oleksiy Filatov, Deputy Head of the Presidential Administration of Ukraine, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)042](#)) on the draft law on the Constitutional Court of Ukraine ([CDL-REF\(2016\)066](#)), drawn up on the basis of comments by Mr Can, Mr Grabenwarter, Mr Hoffmann-Riem and Ms Suchocka. The Sub-Commission on Constitutional Justice will examine the draft opinion at its meeting on 8 December 2016.

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

Mr Alberto Ricardo Dalla Via, President of the National Electoral Chamber of Argentina, will inform the Commission on recent constitutional developments in Argentina.

### **16. Co-operation with other countries**

*Mexico*

Mr Lorenzo Córdoba Vianello, President of the National Electoral Institute of Mexico, is invited to address the Commission.

*Morocco*

Mr Mustafa Ramid, Minister of Justice and Liberties of Morocco, is invited to address the Commission on the Commission's co-operation with Morocco in particular through the UniDem-Med Campus.

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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, 10 December 2016**

<b>9h00-10h45</b>	<b>Meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly</b>
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10h45-11h00	<i>Coffee Break</i>
11h00-12h45	<i>Co-operation with Council of Europe bodies (Continued)</i> <i>Information on constitutional developments in other countries</i> <i>Conference on "Constitutional Reform and Democratic Stability: the role of Constitutional Courts" and meeting of the Sub-Commission on Latin America (Lima, 24-25 October 2016)</i> <i>Conference on "Global Constitutional Discourse and Transnational Constitutional Activity" (Venice, 7 December 2016)</i> <i>Compilations of Venice Commission opinions and reports</i> <i>Report of the meeting of the Council for Democratic Elections (8 December 2016)</i> <i>Information on the Association of former Venice Commission members</i>

**17. 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 10 December 2016.

The Commission is invited to hold an exchange of views with Ms Anne Brasseur, Former President of the Parliamentary Assembly 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 opinion on Turkey (see item 9), falls into the framework of co-operation with the Parliamentary Assembly.

**18. Information on constitutional developments in other countries**

*Georgia*

Mr Zaza Tavadze, President of the Constitutional Court of Georgia is invited to inform the Commission on recent constitutional developments in Georgia.

*Ireland*

Mr Barrett will inform the Commission on recent constitutional developments in Ireland.

*Italy*

Mr Bartole will inform the Commission on recent constitutional developments in Italy.

*Sweden*

Mr Anders Eka, Supreme Court Justice, is invited to inform the Commission on current constitutional issues in Sweden.

**19. Conference on “Constitutional Reform and Democratic Stability: the role of Constitutional Courts” and meeting of the Sub-Commission on Latin America (Lima, 24-25 October 2016)**

The Commission will be informed on the results and conclusions of the Conference on “Constitutional Reform and Democratic Stability: the role of Constitutional Courts” as well as of the meeting of the Sub-Commission on Latin America which took place in Lima on 24-25 October 2016.

**20. Conference on “Global Constitutional Discourse and Transnational Constitutional Activity” (Venice, 7 December 2016)**

The Commission will be informed on the results and conclusions of the International Conference organised by the Venice Commission in co-operation with IACL and International IDEA, on “Global Constitutional Discourse and Transnational Constitutional Activity” which took place in Venice on 7 December 2016.

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

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports relating to bioethics ([CDL\(2016\)046](#)).

**22. Report of the meeting of the Council for Democratic Elections (8 December 2016)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 8 December 2016.

[Link to annotated agenda](#)

The opinion on Armenia (law on political parties) is dealt with under item 10 above.

**23. Information on the Association of former Venice Commission members**

The Commission will be informed on the activities of the Association of former Venice Commission members and substitute members.

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

**25. Dates of the next sessions**

The schedule of sessions for 2017 is confirmed as follows:

110 <sup>th</sup> Plenary Session	10-11 March 2017
111 <sup>th</sup> Plenary Session	16-17 June 2017
112 <sup>th</sup> Plenary Session	6-7 October 2017
113 <sup>th</sup> Plenary Session	8-9 December 2017

Sub-Commission meetings as well as the meeting 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](#)