



Strasbourg 24 February 2017

**CDL-PL-OJ(2017)001ann**  
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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**110<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 10 March 2017 (9.00 a.m.-6.00 p.m.) -**  
**Saturday, 11 March 2017 (9.00 a.m.-1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**Friday, 10 March 2017****9h00-10h45**

*Opening session  
Co-operation with Council of Europe organs  
Exchange of views with the Director of the OSCE/ODIHR  
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\(2017\)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 9 March 2017.

**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 Laima Jurevičienė, Permanent Representative of Lithuania to the Council of Europe, with Ambassador Stelios Perrakis, Permanent Representative of Greece to the Council of Europe and with Ambassador Katya Todorova, Permanent Representative of Bulgaria to the Council of Europe.

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

The Commission is invited to hold an exchange of views 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 Spain and on Turkey (see items 17 and 10), 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 Ms Gudrun Mosler-Törnström, President of the Congress.

The draft joint opinion on the draft Checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level (see item 12) falls into the framework of co-operation with the Congress.

**8. Exchange of views with the Director of the OSCE/ODIHR**

Mr Michael Georg Link, Director of the OSCE/ODIHR is invited to address the Commission.

## 9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

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

Opinion on Emergency Decree Laws of Turkey N°s 667-676 adopted following the failed coup of 15 July 2016 ([CDL-AD\(2016\)037](#)); see document [CDL-REF\(2017\)014](#);

Amicus Curiae Brief for the Constitutional Court of Albania on the Law on the Transitional Re-evaluation of Judges and Prosecutors (The Vetting Law) ([CDL-AD\(2016\)036](#));

Joint Opinion on the Draft Constitutional Law of Armenia on Political Parties ([CDL-AD\(2016\)038](#)); see document [CDL-REF\(2017\)012](#);

Opinion on the draft Constitutional Law on the Human Rights Defender of Armenia ([CDL-AD\(2016\)033](#));

Amicus Curiae Brief for the Constitutional Court of Bosnia and Herzegovina on the mode of elections in the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina ([CDL-AD\(2016\)024](#));

Opinions on the package of draft laws aimed at the reform of the judicial system of Georgia ([CDL-AD\(2014\)030](#)), ([CDL-AD\(2014\)031](#)) and ([CDL-AD\(2014\)032](#));

Opinion on the Draft Code of Judicial Ethic of the Republic of Kazakhstan ([CDL-AD\(2016\)013](#));

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

Final Opinion on the Amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation ([CDL-AD\(2016\)016](#)).

## 10. Turkey

The Commission is invited to hold an exchange of views with the representative of Turkey, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)006](#)) on the measures provided in the recent emergency decree laws of Turkey with respect to the freedom of the media ([CDL-REF\(2017\)011](#), [CDL-REF\(2016\)061](#) and [addendum](#), see also document [CDL-REF\(2017\)010](#)) drawn up on the basis of comments by Mr Grabenwarter, Ms Kiener, Ms Kjerulf-Thorgeirsdottir and Mr Kuijer.

10h45-11h00

Coffee break

11h00-13h00

Discussion and adoption of opinions on individual countries (Continued)

## 10. (Contd) Turkey

The Commission is invited to hold an exchange of views with the representative of Turkey, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)007](#)) on the amendments to the Constitution of Turkey submitted to a national referendum on 16 April 2017 ([CDL-REF\(2017\)018](#) and [005](#); see also [CDL-REF\(2017\)003](#) and [015](#)), drawn up on the basis

of comments by Mr Barrett, Ms Bilkova, Ms Cleveland, Mr Scholsem, Ms Suchocka and Mr Tuori. The Sub-Commission on Democratic Institutions will examine the draft opinion at its meeting on 9 March 2017.

The Commission is invited to hold an exchange of views with the representative of Turkey, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)005](#)) on the law of Turkey on criminal peace judgeships ([CDL-REF\(2017\)004](#), Appendix 2), drawn up on the basis of comments by Mr Barrett, Mr Esanu, Mr Hirschfeldt and Mr Neppi Modona.

## 11. Kazakhstan

The Commission is invited to hold an exchange of views with Mr Talgat Donakov, Deputy Head, Administration of the President of the Republic of Kazakhstan, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)013](#)) on draft amendments to the Constitution of the Republic of Kazakhstan ([CDL-REF\(2017\)016](#); see also [CDL-REF\(2017\)017](#)), drawn up on the basis of comments by Mr Can, Mr Dimitrov, Mr Harutyunian, Ms Khabrieva, Mr Kutris and Mr Papuashvili (Venice Commission expert).

The Commission is invited to hold an exchange of views with Mr Talgat Donakov, Deputy Head, Administration of the President of the Republic of Kazakhstan, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)014](#)) on draft law of the Republic of Kazakhstan on administrative procedures ([CDL-REF\(2017\)009](#)), drawn up on the basis of comments by Ms Bazy Malaurie, Mr Hirschfeldt and Ms Khabrieva.

13h00-14h30

*Lunch*

14h30-16h00

*Studies and Reports*

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

## 12. Draft Checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level

The Commission is invited to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2017\)012](#)) on the draft Checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level, drawn up at the request of the Congress of Local and Regional Authorities of the Council of Europe, on the basis of comments by Mr Barrett and Mr Kask as well as OSCE/ODIHR experts. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 9 March 2017.

## 13. Armenia

The Commission will be informed on progress of work on the draft opinion on the law on the Constitutional Court of Armenia and, in view of the urgency of the matter, is invited to authorise the rapporteurs to provide a preliminary opinion to be sent to the Armenian authorities prior to the June session.

## 14. Georgia

The Commission will be informed on plans for constitutional reform in Georgia following the President's visit to Tbilisi in January 2017. The rapporteurs will hold an exchange of views with the Constitutional Commission of Georgia at the end of March 2017.

## 15. Republic of Moldova

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\(2017\)010](#)) by the Venice Commission, the Directorate of Information Society and Action against Crime and the Directorate of Human Rights (DGI) on the draft law No 281 amending the legislation of the Republic of Moldova dealing with the “Security Mandate” ([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 Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2017\)008](#)) for the Constitutional Court of the Republic of Moldova on the criminal liability of judges, drawn up on the basis of comments by Ms Hermanns, Mr Holmoyvik and Ms McMorrow (see also document [CDL-AD\(2016\)015](#)).

16h00-16h15	Coffee Break
16h15-18h00	Discussion and adoption of Opinions on individual countries (Continued)

## 16. Slovakia

The Commission is invited to hold an exchange of views with Mr Róbert Madej, Chairman of the Constitutional and Legal Affairs Committee of the National Council of the Slovak Republic, and with Mr Jan Mazak, Adviser to the President of the Slovak Republic, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)004](#)) on the appointment of judges to the Constitutional Court of the Slovak Republic (see documents [CDL-REF\(2017\)008](#) and [013](#)), drawn up on the basis of comments by Mr Clayton, Mr Frendo, Mr Grabenwarter and Mr Vermeulen. The Sub-Commission on Constitutional Justice will examine the draft opinion at its meeting on 9 March 2017.

## 17. Spain

The Commission is invited to hold an exchange of views with the representative of Spain, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)009](#)) on the amendments to the law on the Constitutional Court of Spain ([CDL-REF\(2016\)035](#); see also documents [CDL-REF\(2016\)034](#), [CDL-REF\(2017\)001](#) and [007](#)), drawn up on the basis of comments by Mr Grabenwarter, Mr Neppi Modona and Mr Paczolay. The Sub-Commission on Constitutional Justice will examine the draft opinion at its meeting on 9 March 2017.

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- 19h15 Departure by bus from Venice (Piazzale Roma)
- 20h00 Dinner at Ristorante “Al Parco dei Pini”, Via Miranese 176, Venezia-Mestre  
<http://www.hotelaipini.it/en/restaurant/>
- 22h30 Return to Venice

**Saturday, 11 March 2017**

9h00-10h30

*Interaction between the majority and the opposition in a democratic society*  
*Report of the meeting of the Scientific Council*  
*Rule of Law oversight in the European Union*  
*Co-operation with other countries*  
*Information on constitutional developments in other countries*

**18. Interaction between the Majority and the Opposition in a Democratic Society**

The Commission will be informed on the progress of work on the report on interaction between the majority and the opposition in a democratic society.

Mr Aurescu will inform the Commission on the preparation of the Conference entitled “The interaction between the political majority and the opposition in a democracy” organised in co-operation with the Presidency of Romania, which will take place in Bucharest on 6-7 April 2017.

**19. Report of the meeting of the Scientific Council (9 March 2017)**

The President of the Scientific Council will inform the Commission on the results and conclusions of the meeting held on 9 March 2017.

[Link to annotated agenda](#)

The Commission is invited to discuss possible future activities on referendums in the light of the draft compilation of Venice Commission opinions and report concerning referendums ([CDL\(2017\)002](#)) and may be invited to endorse this draft compilation.

**20. Rule of law oversight in the European Union**

Mr Carlos Closa Montero and Mr Dimitry Kochenov will inform the Commission on their project concerning Rule of Law oversight in the European Union.

**21. Co-operation with other countries****22. Information on constitutional developments in other countries**

*Hungary*

Mr Varga will inform the Commission on recent constitutional developments in Hungary.

*Mexico*

Ms Otálora Malassis will inform the Commission on recent constitutional developments in Mexico in particular in the electoral field.

*Romania*

Mr Toader will inform the Commission on recent legislative and constitutional developments in Romania.

10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Co-operation with the International Ombudsman Institute</i>
	<i>Adoption of the Annual Report of Activities 2016</i>
	<i>Information on Conferences and Seminars</i>
	<i>World Conference on Constitutional Justice</i>
	<i>Report of the meeting of the Council for Democratic Elections</i>

**23. Co-operation with the International Ombudsman Institute**

The Commission is invited to hold an exchange of views with Mr Rafael Ribo, Chairman of the European Chapter of the International Ombudsman Institute.

**24. Adoption of the Annual Report of activities 2016**

The Commission is invited to examine, with a view to adoption, the draft annual report of activities 2016 ([CDL\(2017\)003](#)).

**25. Information on Conferences and Seminars**

The Commission will be informed on the results and conclusions of the Conference of Arab Electoral Management Bodies on “Strengthening the Independence of Electoral Management Bodies” which took place in Tunis on 7-9 February 2017.

The Commission will be informed on the preparation of the 5th Intercultural Workshop on Democracy organised in the framework of the Cyprus Presidency of the Committee of Ministers of the Council of Europe and in co-operation with the Ministry of Foreign Affairs of Cyprus, entitled “Interaction between Constitutional Courts and Ordinary Courts” which will take place in Nicosia on 3-4 April 2017.

**26. 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 11 March 2017.

**27. Report of the meeting of the Council for Democratic Elections (9 March 2017)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 9 March 2017.

[Link to annotated agenda](#)

The draft joint opinion on the draft Checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level is dealt with under item 12 above.

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

**29. Dates of the next sessions**

The schedule of sessions for 2017 is confirmed as follows:

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](#)