



Strasbourg 22 September 2017

CDL-PL-OJ(2017)003
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

112th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 6 October 2017 (9.00 a.m.-6.00 p.m.) -
Saturday, 7 October 2017 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 6 October 2017

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\(2017\)028](#)).

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 5 October 2017.

4. Election of a Committee of Wise Persons

In accordance with Article 6, paragraph 1bis of the Revised Rules of Procedure, the Commission is invited to elect the Committee of Wise Persons proposed by the Enlarged Bureau, who will prepare the elections which will be held during the December 2017 session. Every member may put forward his or her candidature for any vacant position to the wise persons.

5. Communication by the Secretariat**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 Predrag Grgić, Permanent Representative of Bosnia and Herzegovina to the Council of Europe, with Ambassador Jean-Baptiste Mattei, Permanent Representative of France to the Council of Europe and with Ambassador Marco Marsilli, Permanent Representative of Italy to the Council of Europe.

The Commission is invited to adopt the elements for the Committee of Ministers in reply to Parliamentary Assembly Recommendation [2110\(2017\)](#) on “the implementation of judgments of the European Court of Human Rights” prepared by Mr Helgesen ([CDL\(2017\)024](#)).

7. 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 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 preliminary opinion on Hungary (see item 13), falls into the framework of co-operation with the Parliamentary Assembly.

8. 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 Anders Knappe, President of the Chamber of Local Authorities of the Congress and with Mr Leen Verbeek, Chair of the Congress Monitoring Committee on co-operation with the Congress.

The draft opinion on Turkey (see item 17), falls into the framework of co-operation with the Congress.

9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Opinion on the proposal by the President of the Republic of Moldova to expand the President's powers to dissolve Parliament ([CDL-AD\(2017\)014](#));

Joint opinion on the draft laws of the Republic of Moldova on amending and completing certain legislative acts (electoral system for the election of the Parliament) ([CDL-AD\(2017\)012](#));

Opinion on the draft Law on the Constitutional Court of Ukraine ([CDL-AD\(2016\)034](#)).

10. Georgia

The Commission is invited to hold an exchange of views with Mr Irakli Kobakhidze, Speaker, Parliament of Georgia, and to examine with a view to adoption, the draft opinion ([CDL-PI\(2017\)006](#)) on the draft revised Constitution of Georgia as adopted in the second reading on 23 June 2017 ([CDL-REF\(2017\)039](#)) drawn up on the basis of comments by Mr Alivizatos, Mr Castella Andreu, Mr Frendo and Ms Kiener. Since the draft revised Constitution of Georgia may be adopted before the session, the draft opinion will be made public with the consent of the Georgian authorities.

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

11. Armenia

Ms Arpine Hovhannisyanyan, Vice President of the National Assembly of Armenia, is invited to inform the Commission on progress on the implementation of the revised Constitution of Armenia.

The Commission is invited to hold an exchange of views with Mr Arthur Hovhannisyanyan, First Deputy Minister of Justice of Armenia, and to examine with a view to adoption, the draft opinion ([CDL\(2017\)025](#)) on the draft judicial Code of Armenia ([CDL-REF\(2017\)030](#); see also document [CDL-REF\(2017\)033](#)) drawn up on the basis of comments by Mr Esanu, Mr Hirschfeldt, Mr Neppi Modona and Mr Varga. The Sub-Commission on the Judiciary will examine the draft opinion at its meeting on 5 October 2017.

12. Bulgaria

The Commission is invited to hold an exchange of views with Ms Tsetska Tsacheva, Minister of Justice of Bulgaria, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)026](#))

on the Judicial System Act of Bulgaria ([CDL-REF\(2017\)034](#) and [040](#)) drawn up on the basis of comments by Mr Baramidze, Mr Barrett, Mr Kuijer and Mr Neppi Modona. The Sub-Commission on the Judiciary will examine the draft opinion at its meeting on 5 October 2017.

13. Hungary

The Commission is invited to hold an exchange of views with Mr László Palkovics, Minister of State for Education, Ministry of Human Capacities of Hungary and with Mr Krisztián Kecsmár, Minister of State for EU and international judicial co-operation, Ministry of Justice, and to endorse the preliminary opinion ([CDL-PI\(2017\)005](#)) on Act XXV of 4 April 2017 on the amendment of Act CCIV of 2011 of Hungary on Tertiary Education ([CDL-REF\(2017\)029](#)) drawn up on the basis of comments by Ms Kiener and Mr Vermeulen as well as Mr Dennis Farrington, DGII expert. In accordance with the decision taken by the Bureau, this preliminary opinion has already been issued.

13h00-14h30	Lunch
14h30-16h00	Discussion and adoption of Opinions on individual countries (Continued) Exchange of views with the Secretary General of the Organisation of American States Co-operation with the Inter-American Court of Human Rights

14. Venezuela

The Commission is invited to endorse the Preliminary opinion ([CDL-PI\(2017\)004](#)) on legal issues raised by the decree issued by President Maduro on 23 May 2017 calling for the election of National Constituent Assembly in Venezuela ([CDL-REF\(2017\)032](#)) drawn up on the basis of comments by Ms Biglino, Ms Bilkova, Mr Sardon, Mr Tuori and Mr Vargas Valdez. In accordance with the decision taken by the Bureau, this preliminary opinion has already been issued.

15. Exchange of views with the Secretary General of the Organisation of American States

Mr Luis Almagro, Secretary General, Organisation of American States, is invited to address the Commission.

16. Co-operation with the Inter-American Court of Human Rights

Mr Eduardo Ferrer Mac-Gregor, Judge at the Inter-American Court of Human Rights, is invited to hold an exchange of views with the Commission.

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

17. Turkey

The Commission is invited to hold an exchange of views with representative of Turkey, and to examine with a view to adoption the draft opinion ([CDL\(2017\)031](#)) on the provisions in the Emergency Decree Law No. 674 of Turkey concerning the exercise of local Democracy in Turkey ([CDL-REF\(2016\)061](#)) drawn up on the basis of comments by Mr Clayton, Ms Kiener and Mr Velaers.

18. Ukraine

The Commission is invited to hold an exchange of views with Mr Pavlo Pinzenik, First Deputy Chair, Committee on the Rules of Procedure and Internal Organisation of the Verkhovna Rada, and to examine, with a view to adoption, the draft opinion ([CDL\(2017\)027](#)) on the Draft Law on amendments to the rules of Procedure and Internal Organisation of the Verkhovna Rada of Ukraine ([CDL-REF\(2017\)037](#) and [038](#)) drawn up on the basis of comments by Mr Frenco Ms Suchocka and Mr Vilanova Trias as well as Mr Alain Delcamp (Venice Commission expert).

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 opinion ([CDL\(2017\)020](#)) on the draft law on anti-corruption courts and the draft law on the specialisation of judges for corruption related offences ([CDL-REF\(2017\)035](#) and [036](#)) drawn up on the basis of comments by Ms Anastas, Mr Sorensen and Ms Suchocka as well as Mr James Hamilton and Mr George Papuashvili (Venice Commission experts) and Mr Rainer Hornung (GRECO expert). The Sub-Commission on the Judiciary will examine the draft opinion at its meeting on 5 October 2017.

19h45 Dinner at Hotel Papadopoli Venezia, Venice

[Link to Hotel Papadopoli Venezia web site](#)

Saturday, 7 October 2017

9h00-10h30	<i>Amicus curiae brief for the European Court of Human Rights in the case of Berlusconi v. Italy Co-operation with International IDEA Information on constitutional developments in other countries Co-operation with other countries</i>
------------	---

19. **Amicus curiae brief for the European Court of Human Rights in the case of Berlusconi v. Italy (Application No. 58428/13)**

The Commission is invited to examine with a view to adoption the *amicus curiae* brief ([CDL\(2017\)029](#)) for the European Court of Human Rights in the case of Berlusconi v Italy (see document [CDL-REF\(2017\)041](#)), drawn up on the basis of comments by Ms Bazy Malaurie, Mr Can and Mr Kask. The Sub-Commission on Democratic Institutions will examine the *amicus curiae* brief at its meeting on 5 October 2017.

20. Co-operation with International IDEA

Mr Sumit Bisarya, Senior Project Manager, is invited to hold an exchange of views with the Commission.

21. Co-operation with the Bingham Centre for the Rule of Law

Mr Murray Hunt, Director of the Bingham Centre for the Rule of Law, is invited to hold an exchange of views with the Commission.

22. Information on constitutional developments in other countries*Spain*

Mr Castella Andreu will inform the Commission on developments on the Catalan Referendum Law.

23. Co-operation with other countries*Mexico*

Ms Otálora Malassis will inform the Commission on recent developments in Mexico.

Morocco

Mr Mohammed Benabdelkader, Minister Delegate to the Head of Government, Responsible for the reform of the Administration and the Civil Service, is invited to address the Commission.

*10h30-10h45**Coffee Break**10h45-12h45**World Conference on Constitutional Justice**Information on Conferences and Seminars**Compilations of Venice Commission opinions and reports**Report of the meeting the Sub-Commission on Latin America***24. World Conference on Constitutional Justice**

The Commission will be informed on the results and conclusions of the 4th Congress of the World Conference on Constitutional Justice which was held in Vilnius on 11-14 September 2017.

25. Information on Conferences and Seminars

The Commission will be informed on the results and conclusions of:

- Round Table on Foreign Funding of NGOs which took place in Venice on 4 October 2017.

26. Compilations of Venice Commission opinions and reports

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports relating to Electoral Dispute Resolution ([CDL\(2017\)030](#)).

27. Report of the meeting of the Sub-Commission on Latin America (5 October 2017)

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 5 October 2017.

Link to annotated agenda

*12h45-13h00**Closing session***28. Other business**

29. Dates of the next sessions

The final session for 2017 is confirmed as follows:

113th Plenary Session 8-9 December 2017

The schedule of sessions for 2018 is confirmed as follows:

114 th Plenary Session	16-17 March 2018
115 th Plenary Session	22-23 June 2018
116 th Plenary Session	19-20 October 2018
117 th Plenary Session	14-15 December 2018

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](#)