



Strasbourg 2 March 2018

CDL-PL-OJ(2018)001ann
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

114th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 16 March 2018 (9.00 a.m.-6.00 p.m.) -
Saturday, 17 March 2018 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 16 March 2018

9h00-10h45

Opening session

Co-operation with Council of Europe organs

Follow-up to earlier Venice Commission Opinions

Exchange of views with the OSCE High Commissioner for National Minorities

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\(2018\)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 15 March 2018.

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 Corina Călugăru, Permanent Representative of the Republic of Moldova to the Council of Europe, with Ambassador Gilles Heyvaert, Permanent Representative of Belgium to the Council of Europe and with Ambassador João Maria Cabral, Permanent Representative of Portugal to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Ms Stella Kyriakides, Former President of the Parliamentary Assembly, on co-operation with the Assembly.

The draft opinions on Georgia, the Republic of Moldova (Electoral legislation), Romania and Ukraine (see items 10, 11, 12 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 Leen Verbeek, Chair of the Congress Monitoring Committee on co-operation with the Congress.

The report on recall of mayors (see item 17) falls into the framework of co-operation with the Congress.

8. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Opinion on questions relating to the appointment of Judges of the Constitutional Court of the Slovak Republic ([CDL-AD\(2017\)001](#));

Opinion on the Draft Law of Ukraine on Anticorruption Courts and on the Draft Law on Amendments to the Law on the Judicial System and the Status of Judges (concerning the introduction of mandatory specialisation of judges on the consideration of corruption and corruption-related offences) ([CDL-AD\(2017\)020](#));

Opinion on the Amendments to the Law of Ukraine on elections regarding the exclusion of candidates from party lists ([CDL-AD\(2016\)018](#));

Opinion on the provisions of the Law of Ukraine on Education of 5 September 2017, which concern the use of the State Language and Minority and other Languages in Education ([CDL-AD\(2017\)030](#));

Comments on the Recommendation 2110(2017) of Parliamentary Assembly of the Council of Europe, on the implementation of judgments of the European Court of Human Rights in view of the reply of the Committee of Ministers ([CDL-AD\(2017\)017](#); see also document [CM/AS\(2018\)Rec2110-fin](#));

Opinion on the Rules of Procedure of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic ([CDL-AD\(2015\)023](#)); see also document [CDL-REF\(2018\)002](#).

The draft opinion on Georgia and the draft joint opinion on the amendments to the Electoral legislation of the Republic of Moldova (see items 10 and 11) are a follow-up to previous opinions adopted on these countries.

9. Exchange of views with the OSCE High Commissioner for National Minorities

Mr Lamberto Zannier, High Commissioner for National Minorities will address the Commission.

10. Georgia

The Commission is invited to hold an exchange of views with Mr Irakli Kobakhidze, Speaker of the Parliament of Georgia (tbc), and to examine with a view to adoption, the draft opinion ([CDL\(2018\)009](#)) on the draft Constitutional amendments as adopted at the second hearing in December 2017 by the Parliament of Georgia ([CDL-REF\(2018\)010](#)), drawn up on the basis of comments by Mr Castella Andreu, Mr Frendo and Ms Kiener.

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

11. 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 joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)013](#)) on amendments to the electoral legislation of the Republic of Moldova ([CDL-REF\(2018\)001](#)) drawn up on the basis of comments by Mr Barrett, Mr Holmøyvik, Mr Kask as well as OSCE/ODIHR experts. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 15 March 2018.

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\(2018\)003](#)) on the draft Law on amending and supplementing the Constitution of the Republic of Moldova (Judiciary) ([CDL-REF\(2018\)008](#)) drawn up on the basis of comments by Mr Dimitrov, Ms Šimáčková and Mr Varga.

The Commission is invited to hold an exchange of views with Mr Igor Vremea, 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\(2018\)007](#)) on the Draft Law on modifications to Article 42 of the Constitution of the Republic of Moldova on Freedom of Association ([CDL-REF\(2018\)007](#)) drawn up on the basis of comments by Mr Cameron, Ms Kiener and Ms Suchocka.

12. Ukraine

The Commission is invited to hold an exchange of views with the representative of Ukraine, and to examine with a view to adoption the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)001](#)) on two draft laws of Ukraine “On Introducing Changes to the Tax Code of Ukraine to Ensure Public Transparency of the Financing of Public Associations and the Use of International Technical Assistance” and “On Introducing Changes to Some Legislative Acts to Ensure Public Transparency of Information on Finance Activity of Public Associations and of the Use of International Technical Assistance” (Laws # 6674 and # 6675) ([CDL-REF\(2018\)004](#) and [005](#)), drawn up on the basis of comments by Mr Clayton, Mr Poghosyan and Mr Sørensen as well as OSCE/ODIHR experts. The Sub-Commission on Fundamental Rights will examine this draft joint opinion at its meeting on 15 March 2018.

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

13. Romania

The Commission is invited to hold an exchange of views with the representative of Romania and to examine with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)008](#)) on the Draft Law of Romania revising Government Ordinance 26/2000 on associations and foundations ([CDL-REF\(2018\)011](#)) drawn up on the basis of comments by Mr Clayton, Ms Cleveland, Ms Kjerulf-Thorgeirsdottir, Mr Kuijjer, Mr Mesonis and Ms Alice Thomas (OSCE/ODIHR Expert). The Sub-Commission on Fundamental Rights will examine this draft joint opinion at its meeting on 15 March 2018.

14. Armenia

The Commission is invited to examine with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2018\)004](#)) on the Draft Law of Armenia on making amendments to the Law on Freedom of Conscience and on Religious Organisations ([CDL-REF\(2018\)006](#)) drawn up on the basis of comments by Ms Omejec, Mr Velaers and Mr Vermeulen as well as OSCE/ODIHR Experts. The Sub-Commission on Fundamental Rights will examine this draft joint opinion at its meeting on 15 March 2018.

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

15. “The former Yugoslav Republic of Macedonia”

The Commission is invited to hold an exchange of views with the representative of the Ministry of Labour and Social Policy, and to examine with a view to adoption, the draft opinion ([CDL\(2018\)005](#)) on the draft law on the prevention and protection from discrimination ([CDL-REF\(2018\)003](#)) drawn up on the basis of comments by Mr Aurescu, Ms Bazy Malaurie, Mr Eșanu and Mr Ribičič.

16. Report on the Identification of electoral irregularities through statistical methods

The Commission is invited to endorse, as a reference document for election observers, the draft report ([CDL\(2018\)010](#)) on the Identification of electoral irregularities through statistical methods, drawn up on the basis of comments by Mr Daniel Bochsler, Mr Juraj Medzihorsky, Mr Carsten Schürmann and Mr Philip Stark. The Council for Democratic Elections will examine this draft report at its meeting on 15 March 2018.

17. Report on the Recall of Mayors/local elected representatives

The Commission will be informed of the progress of work on the draft report ([CDL\(2018\)012](#)) on the recall of Mayors/local elected representatives, drawn up on the basis of comments by Mr Castella Andreu, Ms Jametti Greiner and Ms Karakamisheva-Jovanovska. The Sub-Commission on Democratic Institutions will hold a preliminary discussion on this draft report at its meeting on 15 March 2018.

19h15 Departure by bus from Venice (Piazzale Roma)

20h00 Dinner at Novotel Venezia Mestre Castellana
Via Alfredo Ceccherini 21,
30174 Mestre
Tel: +39 041 506 6511

[Link to web site](#)

22h30 Return to Venice

Saturday, 17 March 2018

9h00-10h30	<i>Information on constitutional developments in other countries Studies and Reports (Continued) Co-operation with other countries</i>
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18. Information on constitutional developments in other countries

Kazakhstan

Mr Kairat Mami, President of the Constitutional Council of Kazakhstan, will inform the Commission on recent constitutional developments in Kazakhstan.

Turkey

Mr Can will inform the Commission on recent constitutional developments in Turkey.

19. Report on term limits and a possible individual right to re-election – Part I Presidents

The Commission is invited to examine with a view to adoption, the draft report ([CDL\(2018\)006](#)) on term limits and a possible individual right to re-election – Part I Presidents (see document [CDL-REF\(2018\)009](#)) drawn up on the basis of comments by Mr Castella Andreu, Ms Cleveland, Mr Hyest, Mr Kang, Ms Otálora Malassis and Mr Tuori. The Council for Democratic

Elections will examine this draft report at its meeting on 15 March 2018. This report was drawn up at the request of the Organisation of American States (OAS).

20. Co-operation with other countries

Libya

Mr Frenco will inform the Commission on co-operation with Libya.

Montenegro

The Commission will be informed on the request for assistance in relation to the Judiciary of Montenegro.

Serbia

Mr James Hamilton will inform the Commission on progress in the Constitutional reform process in Serbia.

<i>10h30-10h45</i>	<i>Coffee Break</i>
<i>10h45-12h45</i>	<i>Adoption of the Annual Report of Activities 2017</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>
	<i>Report of the meeting of the Sub-Commission on Democratic Institutions</i>

21. Adoption of the Annual Report of activities 2017

The Commission is invited to examine, with a view to adoption, the draft annual report of activities 2017 ([CDL\(2018\)002](#)).

22. Information on Conferences and Seminars

The Commission will be informed on the results and conclusions of the International Conference on the “Role of administrative courts in electoral disputes”, organised by the Arab Union of Administrative Justice, which took place in Cairo on 8-9 January 2018.

23. 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 17 March 2018.

24. Report of the meeting of the Council for Democratic Elections (15 March 2018)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 15 March 2018.

[Link to annotated agenda](#)

The draft joint opinion on the Republic of Moldova as well as the draft reports on the Identification of electoral irregularities through statistical methods and on term limits and a possible individual right to re-election – Part I Presidents, are dealt with under items 11, 16 and 19 above.

25. Report of the meeting of the Sub-Commission on Democratic Institutions (15 March 2018)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 15 March 2018.

[Link to annotated agenda](#)

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

Mr Helgesen will inform the Commission on progress of work on the Venice Principles on the protection and promotion of the Ombudsman Institution.

27. Dates of the next sessions

The schedule of sessions for 2018 is confirmed as follows:

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.

The schedule of sessions for 2019 will be distributed during the session.

[Link to the provisional list of participants](#)

[Link to list of meetings](#)

[Link to table plan](#)