



Strasbourg 1 March 2019

CDL-PL-OJ(2019)001ann
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

118th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 15 March 2019 (9.00 a.m.-6.00 p.m.) -
Saturday, 16 March 2019 (11.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

PLEASE NOTE THAT
ON SATURDAY 16 MARCH 2019
THE PLENARY SESSION WILL COMMENCE AT 11.00 a.m.
EXCEPT FOR THE MEMBERS OF THE ENLARGED BUREAU

Friday, 15 March 2019

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\(2019\)010](#)).

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 14 March 2019.

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 Albana Dautllari, Permanent Representative of Albania to the Council of Europe and with Ambassador Roeland Böcker, Permanent Representative of the Netherlands to the Council of Europe.

6. 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.

7. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Albania - Opinion on draft constitutional amendments enabling the vetting of politicians ([CDL-AD\(2018\)034](#));

Hungary - Joint Opinion on the Provisions of the so-called "Stop Soros" draft Legislative Package which directly affect NGOs (in particular Draft Article 353A of the Criminal Code on Facilitating Illegal Migration) ([CDL-AD\(2018\)013](#));

Ukraine - Opinion on the Draft Law 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](#));

Kazakhstan - Opinion on the Concept Paper on the reform of the High Judicial Council ([CDL-AD\(2018\)032](#));

Uzbekistan - Joint opinion on the draft election code ([CDL-AD\(2018\)027](#)).

The opinions on Luxembourg and on North Macedonia (see items 8 and 11) are a follow-up to previous opinions adopted on these countries.

8. Luxembourg

The Commission is invited to hold an exchange of views with Mr Henri Kox, MP, Member of the Committee on Institutions and Constitutional Review of Luxembourg, and to examine with a view to adoption, the draft opinion ([CDL\(2019\)004](#)) on the revision of the Constitution of Luxembourg ([CDL-REF\(2019\)006](#)) drawn up on the basis of comments by Ms Bazy Malaurie, Ms Cartabia, Mr Holmøyvik, Mr Mathieu, Ms Šimáčková and Mr Velaers. The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 14 March 2019.

10h45-11h00

Coffee break

11h00-13h00

Discussion and adoption of opinions on individual countries

9. Georgia

The Commission is invited to hold an exchange of views with Ms Natia Mezvrishvili, Deputy Minister of Internal Affairs of Georgia, and to examine with a view to adoption, the draft opinion ([CDL\(2019\)005](#)) on the Concept paper on amendments to the Criminal Procedure Code of Georgia concerning the relationship between the prosecution and the police ([CDL-REF\(2019\)004](#)) drawn up on the basis of comments by Mr Kuijer, Mr Varga and Mr James Hamilton (expert).

10. Hungary

The Commission is invited to hold an exchange of views with Mr László Trócsányi, Minister of Justice of Hungary, and to examine with a view to adoption, the draft opinion ([CDL\(2019\)006](#)) on the Hungarian laws on Administrative Courts and on the entry into force of the Law on Administrative Courts and certain transitional rules ([CDL-REF\(2019\)003](#)) drawn up on the basis of comments by Mr Grabenwarter, Ms Hermanns, Mr Mathieu and Ms Šimáčková as well as Mr Mário Aroso de Almeida (DGI expert). The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 14 March 2019.

11. North Macedonia

The Commission is invited to hold an exchange of views with Ms Renata Deskoska, Minister of Justice of North Macedonia, and to examine, with a view to adoption, the draft opinion ([CDL\(2019\)009](#)) on the Draft Law on the Judicial Council ([CDL-REF\(2019\)005](#)) drawn up on the basis of comments by Mr Barrett, Mr Dimitrov and Mr Ribičič. This draft opinion is a follow-up to the opinion adopted at the October 2018 plenary session (see document [CDL-AD\(2018\)022](#)).

13h00-14h30

Lunch

14h30-16h00

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

12. Ukraine

The Commission is invited to examine with a view to adoption the draft *amicus curiae* brief ([CDL\(2019\)013](#)) on separate appeals against rulings on preventive measures (deprivation of liberty) of first instance courts of Ukraine, drawn up on the basis of comments by Mr Baramidze, Mr Kuijer and Mr Varga.

13. Principles on the protection and promotion of the Ombudsman Institution (“the Venice Principles”)

The Commission is invited to hold an exchange of views with Ms Krista Oinonen, Chair of the CDDH Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST), with the representative of the United Nations High Commissioner for Human Rights and with representatives of Ombudsman Associations, and to examine with a view to adoption the draft Principles on the protection and promotion of the Ombudsman Institution (“the Venice Principles”) ([CDL\(2019\)008rev](#)) drawn up on the basis of comments by Ms Err, Mr Helgesen, Mr Hirschfeldt, Mr Sørensen and Mr Igli Totozani (expert). The Sub-Commission on Fundamental Rights will examine these draft principles at its meeting on 14 March 2019.

14. Report on term limits: Part II Members of Parliament and Part III representatives elected at sub-national and local level and executive officials elected at sub-national and local level

The Commission is invited to hold an exchange of views with Mr Francisco Guerrero, Secretary for Strengthening Democracy, Organization of American States, and to examine with a view to adoption, the draft Report on term limits: Part II Members of Parliament and Part III representatives elected at sub-national and local level and executive officials elected at sub-national and local level ([CDL\(2019\)001](#); see also document [CDL-REF\(2018\)040rev](#)) drawn up, at the request of the Organization of American States, on the basis of comments by Mr Castella, Ms Cleveland, Mr Dimitrov, Mr Kang, Ms Otalora Malassis and Mr Tuori.

16h00-16h15	Coffee Break
16h15-18h00	Reports and Studies (Continued)

15. Report on Funding of Associations

The Commission is invited to examine with a view to adoption the draft Report on Funding of Associations ([CDL\(2019\)011](#); see also document [CDL-REF\(2019\)002](#)) drawn up at the request of the Secretary General of the Council of Europe, on the basis of comments by Ms Bílková, Mr Clayton, Ms Cleveland, Ms Kjerulf-Thorgeirsdottir, Mr Kuijjer and Mr Pieter van Dijk (expert). The Sub-Commission on Fundamental Rights will examine this draft report at its meeting on 14 March 2019.

16. Revised Joint Guidelines on Freedom of Peaceful Assembly (3rd Edition)

The Commission is invited to examine with a view to adoption the draft revised Joint Guidelines by the Venice Commission and the OSCE/ODIHR on Freedom of Peaceful Assembly (3rd Edition) ([CDL\(2019\)012](#)) prepared by the OSCE/ODIHR Panel of experts on Freedom of Peaceful Assembly in co-operation with Ms Bazy Malaurie, Mr Eşanu and Mr Hoffmann-Riem. The Sub-Commission on Fundamental Rights will examine these draft guidelines at its meeting on 14 March 2019.

19h15 Departure by bus from Venice (Piazzale Roma)
20h00 Dinner at Villa Braida, Via Bonisiolo 16/b, 31621 Mogliano
[Link to website](#)
22h30 Return to Venice

Saturday, 16 March 2019

9h00-10h45	Meeting of the Enlarged Bureau with the Presidential Committee of the Parliamentary Assembly
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10h45-11h00	<i>Coffee Break</i>
11h00-12h45	<i>Co-operation with Council of Europe bodies (Continued)</i>
	<i>Working methods</i>
	<i>Adoption of the Annual Report of Activities 2018</i>
	<i>Information on constitutional developments in other countries</i>
	<i>Co-operation with other countries</i>
	<i>World Conference on Constitutional Justice</i>
	<i>Compilations of Venice Commission opinions and reports</i>
	<i>Report of the Meeting of the Sub-Commission on Democratic Institutions</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 16 March 2019.

The Commission is invited to hold an exchange of views with Ms Stella Kyriakides, Former President of the Parliamentary Assembly and with Mr Sergiy Vlasenko, 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.

18. Working Methods

The Commission is invited to examine the proposal by 5 members to provide for the possibility for members to append separate opinions to adopted opinions and, if appropriate, to send this proposal to the Sub-Commission on Working Methods with a view to preparing draft amendments to the Rules of Procedure.

19. Adoption of the Annual Report of activities 2018

The Commission is invited to examine with a view to adoption the draft annual report of activities 2018 ([CDL\(2019\)003](#)).

20. Information on constitutional developments in other countries

Ukraine

Mr Holovaty will inform the Commission on recent constitutional developments in Ukraine.

21. Co-operation with other countries

Mexico

Mr Lorenzo Córdova Vianello, President of the National Electoral Institute of Mexico, will address the Commission.

22. World Conference on Constitutional Justice

The Commission will be informed on the results and conclusions of the meeting of the Bureau of the World Conference on Constitutional Justice which took place in Santo Domingo on 8 February 2019.

23. Compilations of Venice Commission opinions and reports

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports concerning electoral systems ([CDL\(2019\)007](#)).

24. Report of the Meeting of the Sub-Commission on Democratic Institutions (14 March 2019)

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 14 March 2019.

The Commission will be informed on progress of work on the preliminary draft Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist.

[Link to the annotated agenda](#)

12h45-13h00	Closing session
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25. Other business**26. Dates of the next sessions**

The schedule of sessions for 2019 is confirmed as follows:

119 th Plenary Session	21-22 June 2019
120 th Plenary Session	11-12 October 2019
121 st Plenary Session	6-7 December 2019

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 for the sessions in 2020 will be distributed during the session.

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

[Link to list of meetings](#)

[Link to table plan](#)