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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

111th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 16 June 2017 - Saturday, 17 June 2017

DRAFT SESSION REPORT

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1. Adoption of the Agenda

The agenda was adopted without any amendments (CDL-PL-OJ(2017)002ann).

2. Communication by the President

The President welcomed members, special guests and delegations. He then presented his recent activities, as indicated in document CDL(2017)015.

3. Communication from the Enlarged Bureau

The Plenary was informed that at its meeting on 15 June 2017, the Enlarged Bureau had authorised the conclusion of two co-operation agreements with the Interparliamentary Assembly of the Commonwealth of Independent States and with the National Electoral Institute (INE) of Mexico.

The members were further informed on an exchange of letters between the President of the Commission and the President of Catalonia (Spain) concerning the question of a possible referendum on self-determination of Catalonia. In his letter, the President of the Commission underlined that not only the referendum as such, but also the co-operation with the Venice Commission needed to be carried out in agreement with the Spanish authorities. Furthermore the Venice Commission has consistently emphasised in its work the need for any referendum to be carried out in full compliance with the Constitution and the applicable legislation of the country concerned.

The Enlarged Bureau had also discussed the co-operation with the Organisation of American States (OAS). Mr Buquicchio had visited the OAS in Washington in March 2017 and the Secretary General of OAS would attend the plenary session in October 2017. Also, the OAS had recently contacted the Venice Commission to explore the possibility of requesting an opinion on the proposal for the election of a Constituent Assembly in Venezuela, launched by President Maduro. The Enlarged Bureau in principle agreed that the Commission could provide the requested opinion; however, since the OAS is not an organisation formally taking part in the work of the Venice Commission, the issue had to be submitted to the Committee of Ministers for approval.

Finally, the Enlarged Bureau had authorised the rapporteurs to issue a preliminary opinion on the amendments to the Law on Tertiary Education of Hungary and to send it to the authorities prior to the October session. The Bureau had also decided, following the Preliminary Opinion on the Draft Law on the Transparency of Organisations Receiving Support from Abroad, which had been sent to the Hungarian authorities with its prior authorisation, that a slightly revised text, taking into account the law as adopted by the Hungarian Parliament, would be submitted to the plenary for adoption, instead of endorsement.

4. Communication by the Secretariat

The Secretary of the Commission gave practical information about the session.

5. Co-operation with the Committee of Ministers

Ambassador Christopher Yvon, Permanent Representative of the United Kingdom to the Council of Europe, emphasised the high standards and quality of the Commission's work. He stressed that the criticism drawn sometimes by the Venice Commission's findings should also be seen as an endorsement of its work.

Ambassador Paruyr Hovhannisyan, Permanent Representative of Armenia, stressed that participation in the Plenary was very useful, in addition to the regular exchanges between the Commission and the Committee of Ministers, to understand the Commission's work. He underlined the Commission's continued commitment to the democratic values and principles and its impressive achievements in this field, and stressed its special role in providing advice to states in relation to worrying trends, such as populism, hate speech, threats to fundamental rights, terrorism, noted in recent years. He concluded by referring to the excellent co-operation between the Venice Commission and Armenia since the country's accession to the Council of Europe, including, more recently, on key reforms for the country, such as the amendment of the Constitution in 2015 and the adoption of a new Electoral Code in 2016. He reiterated Armenia's strong support to the Venice Commission.

The President thanked the representatives of the Committee of Ministers for their constructive words. He recalled the budgetary difficulties facing the Commission in its work and expressed the hope that a solution enabling increased financial support for its activities could be found within the framework of the Council of Europe's current budgetary rules and constraints.

6. Coopération avec l'Assemblée parlementaire

Mme Anne Brasseur, ancienne Présidente de l'Assemblée parlementaire du Conseil de l'Europe (APCE) partage avec la Commission ses inquiétudes face à la montée des critiques faites à l'encontre de la Commission de Venise, sur un prétendu caractère politique des avis de la Commission. Ces critiques reflètent une défiance croissante, qui s'exerce également à l'encontre de la Cour européenne des Droits de l'Homme, de la part de certains Etats membres du Conseil de l'Europe. Elle remercie la Commission pour être une gardienne vigilante de l'état de droit, sur laquelle l'Assemblée parlementaire a toujours pu compter afin de s'appuyer sur des arguments et conseils juridiques solides.

L'APCE traverse une période délicate quant à sa crédibilité. Elle doit faire face à un soupçon de prise d'influence de l'Azerbaïdjan sur des décisions de l'APCE en matière de droits de l'homme, et depuis mars 2017, répondre aux critiques suite à une visite du Président de l'APCE au Président Bachar el-Assad en Syrie.

Sur la prise d'influence, l'APCE a décidé de se tourner vers un groupe d'enquête externe indépendant chargé d'examiner les allégations de corruption au sein de l'APCE. Ce groupe est constitué de Sir Nicolas Bratza (Royaume-Uni), ancien juge et ancien Président de la Cour européenne des droits de l'homme ; M. Jean-Louis Bruguière (France), ancien magistrat en charge d'enquêtes en particulier dans des affaires liées au terrorisme, expert auprès d'organisations internationales et d'Etats pour la lutte contre le terrorisme et de Mme Elisabet Fura (Suède), ancienne juge à la Cour européenne des droits de l'homme et ancienne Ombudsman parlementaire en chef de Suède.

La Commission du Règlement, des immunités et des affaires institutionnelles de l'APCE a de son côté proposé une modification du règlement de l'APCE afin d'y introduire une procédure permettant de mettre en jeu la responsabilité institutionnelle des membres titulaires d'un mandat électif au sein de l'Assemblée et de les destituer en cours de mandat.

Concernant la visite en Syrie du Président de l'APCE, le Bureau a décidé de refuser sa confiance à M. Pedro Agramunt, en sa qualité de Président de l'Assemblée. Il a par ailleurs décidé que M. Agramunt n'est autorisé à entreprendre aucune visite officielle, à participer à aucune réunion, ni à prononcer aucune déclaration publique au nom de l'Assemblée en sa qualité de Président.

M. Philippe Mahoux, Membre de la Commission des questions juridiques et des droits de l'homme, souligne que l'APCE a réagi promptement et vigoureusement aux problèmes auxquels elle fait face, tout en maintenant un rythme de travail soutenu. Parmi les rapports en cours de préparation au sein de sa Commission, M. Mahoux informe la Commission des avancées dans le rapport sur la «Liste des critères de l'Etat de droit» de la Commission de Venise » , et de l'audition faite par sa Commission concernant la Pologne et la Turquie dans le cadre de son rapport sur les « Nouvelles menaces contre la primauté du droit dans les Etats membres du Conseil de l'Europe ». M. Mahoux félicite la Commission pour l'excellence de son travail et relève comme il est important pour l'APCE de pouvoir s'appuyer sur une structure juridique comme la Commission de Venise.

M. Buquicchio souligne que l'APCE est le premier partenaire de la Commission de Venise et constitue, en cas de besoin, un fort levier de pression pour la mise en œuvre des avis de la Commission.

Mr Bartole informed the Commission that he had taken part in the seminar entitled "the international legal order in a changing world: challenges for the monitoring procedure of the Parliamentary Assembly of the Council of Europe" which took place in Helsinki on 16 May 2017, on the occasion of the 20th anniversary of the Monitoring Committee. Mr Bartole had presented the growing relation between that Committee and the Commission. He had underlined that the most important feature of the Commission's intervention in a case was the opening of a dialogue between the Council of Europe and the country concerned. One good example of fruitful co-operation was the work on the reform of the judiciary in Albania.

M. Bartole had further stressed that the Commission's opinions are legal in nature; ensuring adequate follow-up to its recommendations is not the Commission's task.

7. Co-operation with the Congress of Local and Regional Authorities of the Council of Europe

Mr Stewart Dickson member of the Chamber of Regional Authorities informed the Commission that since last March, the Monitoring Committee had carried out monitoring visits to Italy, Andorra, Monaco and Liechtenstein. Visits to San Marino, Lithuania, Latvia and Azerbaijan were scheduled till the end of 2017. The monitoring part of the plenary session of the Congress in March 2018 would, indeed, be dedicated to the situation of local democracy in those Council of Europe member States with a small surface area.

The Committee had received a complaint from the Union of Italian Provinces questioning the conformity of the Italian legislation on provincial governance with the Italian Constitution and raising the issue of applicability of the Charter in the national legislation of the country, namely in view of the Italian Constitution Court's decision n°50/2015. The complaint would be discussed at the Monitoring Committee meeting on 27 June 2017, which could decide to request the Venice Commission's opinion on the Italian regulation on provinces.

As regards the co-operation in the electoral field, Mr Dickson underlined that the Congress was very grateful to the Commission for its Opinion on the Congress' Checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level.

Like the Venice Commission, the Congress had also contributed to the new Tunisian Constitution promulgated in 2014. The Congress was now expecting an invitation to observe the first local elections to be held in Tunisia in December 2017.

Mr Dickson expressed the hope that the co-operation with the Venice Commission would continue on the same high level in all areas of common interest.

8. Follow-up to earlier Venice Commission opinions

The Commission was informed on follow-up to the following opinions:

Amicus curiae brief for the Constitutional Court of the Republic of Moldova on the criminal liability of judges (CDL-AD(2017)002)

The Constitutional Court of the Republic of Moldova rendered a judgment on 28 March 2017 regarding Article 307 of the Criminal Code, which was the subject of this *amicus curiae* brief. The Constitutional Court rejected the unconstitutionality of this Article, according to which a judge may incur criminal liability for having intentionally rendered a judgment, sentence, decision or ruling that is in breach of the law.

In its *amicus curiae* brief, the Venice Commission had explained that judges may be subject to criminal liability for the interpretation of a law, the ascertainment of facts or the assessment of evidence, but only in cases of malice and, arguably, gross negligence. Judges should not be held liable for judicial mistakes that do not involve bad faith and for differences in the interpretation of the law and that the principal remedy for such mistakes was the appellate procedure. However, where a judge's misconduct was capable of undermining public confidence in the judiciary, it was in the public interest to institute disciplinary proceedings against that judge. Therefore, only failures performed intentionally, with deliberate abuse or, arguably, with repeated, serious or gross negligence should give rise to disciplinary actions and penalties, criminal responsibility or civil liability. The criminal liability of judges was compatible with the principle of the independence of judges, but only pursuant to the law. The law in question must not be in conflict with the overriding principle of the independence of judges.

The Constitutional Court of the Republic of Moldova, taking most of the recommendations made by the Venice Commission into account, found Article 307 constitutional to the extent that judges of the courts of law, Courts of Appeal and of the Supreme Court of Justice may incur criminal liability only for *wilfully* rendering a judgment, a sentence, a decision or a ruling *in breach of the law.*

Opinion on the Amendments to the Organic Law on the Constitutional Court of Georgia and to the Law on Constitutional Legal Proceedings of Georgia (CDL-AD(2016)017)

In May 2016, the Venice Commission prepared a preliminary opinion on the amendments to the legislation on the Constitutional Court of Georgia, which had been adopted by Parliament and were pending enactment by the President of Georgia. The President only had ten days to decide whether or not to veto these amendments.

The Commission welcomed a number of improvements. However, it also criticised several provisions that would have prevented the Constitutional Court from exercising its constitutional tasks effectively, notably: the limitation of the powers of the judges during the last three months of their mandate; the provisions on the quorum in the plenary and the number of judges required for rendering decisions in the plenary and the possibility for one judge to refer a case from a chamber to the plenary together with rules that prevent the plenary from easily refusing such a request.

The President of Georgia vetoed the amendments on the basis of the preliminary opinion, and proposed changes that were accepted by Parliament. After the enactment of the modified amendments, a group of MPs and an NGO challenged the remaining provisions before the Constitutional Court.

The Constitutional Court rendered its decision on 29 December 2016, referring to the Venice Commission's opinion, and found several of these provisions unconstitutional, notably: the requirement of a favourable vote by a minimum of six out of nine judges to render decisions in the plenary (but finding that the quorum of seven judges in electoral cases was constitutional); the strict limitation of the term of the judges that could lead to seats remaining vacant in the absence of a timely nomination of new judges; the rule that a judge could refer a case to the plenary was found constitutional, but the requirement of a qualified majority to reject such a request was removed; and the rule that, even in chamber cases, only the plenary could adopt interlocutory measures was also annulled.

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 of the Congress of Local and Regional Authorities of the Council of Europe (CDL-AD(2017)006)

On 25 January 2017 the Congress requested the Commission's opinion on the compatibility of its draft checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level with international standards in the electoral field and the related reference documents of the Venice Commission.

The Commission's opinion of March 2017 concluded that the checklist is in conformity with international electoral standards as established *inter alia* by the Venice Commission and OSCE/ODIHR documents dedicated to the misuse of administrative resources during electoral processes. However, the opinion suggested several improvements: it advised redesigning the overall structure of the document in order to make it more coherent and user friendly, in particular for election observers and experts; it also recommended that the checklist benefit from a revision and the harmonisation of a series of questions, which were sometimes repetitive and dispersed in the document.

The Congress adopted the Checklist on 20 March 2017 (CG32(2017)12). While the text as adopted did not reflect the Commission's recommendations, it was intended to take them into consideration in a future revised version of the Checklist.

Opinion on the amendments to the Constitution of Kazakhstan (CDL-AD(2017)010)

In February 2017 the Venice Commission received a request from the authorities of Kazakhstan to prepare an opinion on the draft amendments to the Constitution. During its March plenary session the Commission adopted an opinion on the submitted draft. As a revised text of the constitutional amendments had been adopted by Parliament on 6 March 2017, the opinion related to the draft amendments and not to the adopted text.

The adopted changes to the Constitution included additional amendments which had not been assessed by the Venice Commission's opinion. A number of provisions of the draft which had been positively assessed by the opinion remained unchanged in the adopted text: the amended Constitution reduced some of the executive presidential powers, and abolished the right to issue decrees having the force of law. However, the recommendation of the opinion to delete the power of the President to determine which laws should be prioritised was not followed. A detailed description of the Prosecutor's Office and its powers was substituted by a general reference to this institution; however, the recommendation to limit its supervisory powers was not accepted by the drafters. Following the recommendations of the Commission the adopted draft introduced a provision stipulating that the procedure for both the appointment and the release form of office of the akims would be established by law.

The opinion had positively assessed an amendment to Article 26 of the Constitution providing that property rights would no longer be reserved solely to citizens of Kazakhstan. However, the text adopted by the Parliament in March did not include this positive change.

The Commission had already been informed about the authorities' intention to request opinions on the implementation of these constitutional changes in 2017.

Opinion on the draft Law on the Constitutional Court of Ukraine (CDL-AD(2016)034)

The Commission adopted an opinion on the draft Law on the Constitutional Court as part of the implementation of constitutional amendments in the field of the Judiciary. It found the draft Law to be a clear step forward, in line with European legal standards on constitutional justice. It notably welcomed: the competitive selection of judges; the acceptance of the oath before the Court itself; time limits for the appointment and election of judges; the dismissal of judges only by the Court itself; the removal of the dismissal for a "breach of oath"; the automatic case allocation to chambers (boards) and the introduction of a (normative) constitutional complaint. Nonetheless, the opinion recommended, *inter alia,* that more detailed provisions on the committees for the screening of candidates be introduced and that the limitations on previous political activities of candidate, which are too strict, be removed.

On 11 April 2017, the *Verkhovna Rada* rejected the draft Law, which also lacked sufficient votes to be transferred back to a committee for redrafting. However, a new draft Law, based on the one that had been rejected, was sent for revision to the parliamentary committee on legal policy and justice of the *Verkhovna Rada*.

The Commission hoped that the draft Law would be adopted rapidly, taking into account the opinion's recommendations, since the Court currently had five vacancies which could not be filled in a transparent and competitive manner, as foreseen by the Constitution, under the legislation in force.

9. Armenia

The Commission received a request for an opinion on the Law on the Constitutional Court of Armenia by the then Minister of Justice of Armenia, Ms Arpine Hovhannisyan, who was now the Vice-President of the National Assembly of Armenia.

Mr Endzins explained that there were a number of issues raised in the opinion – notably the appointment of judges, which would benefit from being referred to in the draft Law and the very strong position of the Chairperson of the Constitutional Court in issuing normative acts and giving orders to judges, which should be revisited. He concluded by referring to a requirement that should be reconsidered, notably that the judgment of the Court be signed by all the judges of the Court who participated in rendering the judgment, which could result in the judgment not being validly released should one signature be missing. This can occur either when a judge does so wilfully or if he or she is ill.

Ms Hermanns explained in more detail some questions, in particular the differentiation between a finding of unconstitutionality and a finding of constitutionality as concerns which part of the judgment by the Constitutional Court should be binding .

Ms Hovhannisyan explained to the Commission that the draft Law had been prepared as a result of amendments made to the Constitution of Armenia, adopted in December 2015, and explained which amendments had been made to the Constitution that needed to be reflected in the draft Law. This concerned, *inter alia*, the immunity of judges, which had been reduced to functional immunity only, and the grounds for criminal and disciplinary liability, which were

introduced into the draft Law. She told the Commission that the recommendations made in the draft opinion were of great importance and that most of them would be taken into account.

Mr Neppi Modona stressed that the draft Law should include provisions on the appointment of Constitutional Court judges

The Commission adopted the Opinion on the Law on the Constitutional Court of Armenia (CDL-AD(2017)011).

Ms Hovhanissyian also informed the Commission on the follow-up to the opinions on the new Electoral Code of Armenia in the light of the parliamentary elections which had taken place on 2 April 2017. These elections had been the first organised under the new Electoral Code and had been well administered. For the first time, the Electoral Code had been adopted in agreement with the opposition. Therefore trust had been built; an exceptional number of observers had been present during the elections. Some shortcomings and problems had been identified, but they had had no effect on the results; these shortcomings would be taken into account. In particular, one of the challenges was the use of new technical devices, those used for the identification of voters as well as web cameras; best practice should now be implemented, and the technical problems would be settled ahead of the next elections.

The Commission was further informed on the progress of work on the draft opinion on the draft Judicial Code of Armenia, requested by Ms Hovhannisyan, and in particular on the exchanges held by the rapporteurs on the previous day with Ms Hovhannisyan on the most important questions relating to the draft Judicial Code.

The Commission, in light of the urgency of the matter, authorised the rapporteurs to prepare a preliminary opinion on the draft Judicial Code of Armenia, to be sent to the Armenian authorities prior to the October session.

10. Georgia

Mr Alivizatos explained that the current constitutional reform completes the evolution of Georgia's political system towards a parliamentary system started with the 2010 constitutional reform. He praised the passage from a partly majoritarian system of parliamentary elections to a fully proportional system. He underlined the importance of the principle of checks and balances in order to control the power of the parliamentarian majority and stressed in this respect three major points of criticism raised in the Opinion: 1) the combination of the relatively high threshold of 5 per cent, the allocation of the wasted seats to the winning party and the prohibition of party blocks during parliamentary elections: would limit the effects of the proportional system to the detriment of smaller parties; 2) the postponement of the establishment of the second chamber to when territorial integrity is re-established in Georgia) and 3) the absence of the entrenchment of the National Security Council in the Constitution (although no European standards exist on the issue).

Mr Irakli Kobakhidze, the Speaker of Parliament of Georgia, reiterated the commitment of the Georgian authorities not to adopt any amendment which would be negatively assessed by the Venice Commission. He said, concerning the system of the allocation of wasted seats to the winning party, that the Constitutional Commission would consider establishing either a ceiling to the number of seats that can be allocated to the winning party or a system of proportionate distribution of wasted mandates to all parties represented in the Parliament. He stressed that, although a Senate cannot be established in Georgia immediately, all other

recommendations of the Venice Commission would be taken into consideration. In particular, Mr Kobakhidze informed the Plenary that open ballots would be used in the indirect election of the President and qualified majority would be required for the election by Parliament of the Ombudsperson, of the judges of the Constitutional Court and of the members of the High Council of Justice. Life tenure of the Supreme Court judges would be introduced into the Constitution.

Ms Anna Dolidze, Parliamentary Secretary of the President of Georgia, underlined the importance of a wide consensus in society for any major constitutional reform. She stressed that, although the transition to a proportional system is requested by the people of Georgia, this was put into perspective by three features of the draft constitutional amendments (i.e. the bonus system, the 5% threshold and the prohibition of party blocks). Ms Dolidze also underlined that in Georgia there is a tradition of direct election of the President and that the transition to an indirect election did not represent the will of the people. Lastly, she claimed that the National Security Council should be a constitutional body and be grounded in the Constitution.

The Commission adopted the Opinion on the draft revised Constitution of Georgia (CDL-AD(2017)013), previously examined by the Sub-commission on Democratic Institutions.

11. Republic of Moldova

Opinion on the Proposal by the President of the Republic of Moldova to expand the President's powers to dissolve Parliament

The opinion was requested by the President of the Republic of Moldova, Mr Igor Dodon, and concerned his proposal to supplement the Constitution in order to enlarge the powers of the President to dissolve Parliament. Under the current Constitution the dissolution of Parliament by the President is possible in two situations: a vote of no confidence in the Government or the inability of Parliament to adopt laws for 3 months. In addition to these two, the President proposed to introduce five new grounds: dissolution after consultations with parliamentary factions, dissolution in case of a prolonged failure of Parliament to implement the results of a consultative referendum; dissolution in case where a referendum on the dismissal of the President from office fails; dissolution through a referendum called by the President, and dissolution in case of non-adoption of the budget law within two months.

Mr Dimitrov explained that, although in 2016 the Constitutional Court of the Republic of Moldova returned to the direct election of the President, it remained a parliamentary regime with a President who is not the head of the executive. Comparative research shows that in such regimes the role of the President is that of a figure detached from party politics; the President's dissolution powers are in the majority of cases "semi-automatic" (i.e. applied in cases specified in the Constitution) and only used in times of crisis in order to overcome political blockages through an appeal to the people. The first of the proposed amendments would have given the President of Moldova largely discretionary dissolution power, which was not consistent with a parliamentary regime. The second ground for dissolution was contrary to the very meaning of a "consultative referendum" – such referendums should not entail legal sanctions. The third and fourth new grounds for dissolution (by way of referendum, or in case a referendum on the dismissal of the President fails) were not to be recommended: referendums are not an appropriate means for solving a short-term political crisis. This proposed power was seen as a counterbalance to the existing possibility of a parliamentary recall of the President. However, the Commission had previously expressed criticism in relation to such a procedure and had made recommendations to improve it.

These recommendations were still valid. Otherwise, it would be better to remove the possibility of such referendums altogether instead of giving the President additional dissolution powers. Finally, dissolution in case of non-adoption of budget by Parliament could be seen as acceptable as it exists in several other countries, but the 2-month time-limit may be irrealistically short in the Moldovan context.

Mr Holovaty added that the constitutional and legislative framework for such "consultative constitutional referendum" was unclear, especially in the light of the 1999 decision of the Constitutional Court of the Republic of Moldova which ruled that such referendum should not concern a law amending the Constitution.

Mr Maxim Lebedinski, Adviser to the President of the Republic of Moldova, explained that after the return to the direct election of the President in 2016, it would be natural to give the President additional powers vis-à-vis Parliament. In addition, the power to initiate a "no confidence" referendum against the President should be counter-balanced by a commensurate power of the President to dissolve Parliament if such a referendum fails.

In the ensuing discussion, the participants recalled that even in countries where the power of the President to dissolve Parliament is formulated as discretionary, in practice it is often limited by constitutional conventions, and dissolution is applied only in very specific situations of political blockage. A more general discussion followed, which touched upon the question of the legal force of the Venice Commission's recommendations. Mr Backovic expressed the view that although the Commission's recommendations were technically not binding, States were often under strong pressure by political actors such as the European Commission to follow them. This could be seen as problematic, especially in areas where the recommendations are based not on hard law standards, but only on soft law.

The Commission adopted the Opinion on the Proposal by the President of the Republic to expand the President's powers to dissolve Parliament in the Republic of Moldova (CDL-AD(2017)014), previously examined by the Sub-Commission on Democratic Institutions.

Opinion on the draft law on amending and completing certain legislative acts of the Republic of Moldova

Mr Holmøyvik explained that two drafts had been submitted to Parliament, one introducing a plurality system and the other one a mixed system (contrary to the present proportional one). The draft opinion focused on a merged draft, which was quite similar to the second draft (introduction of a mixed system with separate ballots). A similar mixed system had been proposed in 2013 and assessed in a joint opinion of the Venice Commission in 2014. The present draft opinion was therefore to some extent a follow-up to the previous one and came to the same conclusions. The choice of the electoral system was a sovereign choice, and the Venice Commission and the OSCE/ODIHR expressed no preference *in abstracto*. However, the choice had to be considered in its specific context, since a system may have different effects in different states. The proposed system raised serious concerns in the specific context, since independent majoritarian candidates may develop links with or be influenced by businesspeople or other actors who follow their own separate interests. Such concerns had been raised by a number of local stakeholders. Electoral reform needed to be built *inter alia* on adoption of legislation by broad consensus after extensive public consultations with all relevant stakeholders. While a broad campaign on the issue had been conducted, it was criticised as unilateral, and the draft, albeit voted by a strong majority, had not obtained a real consensus, since there was a strong polarisation and many political forces opposed it. Moreover, the procedure for the adoption of the draft in first reading had been very swift

without any opportunity for meaningful and inclusive debate. The change was therefore not advisable at this time. Mr Shlyk confirmed that, in its assessments, the OSCE/ODIHR did not express a preference for any given electoral system but considered the process and the context.

Mr Andrian Candu, Speaker of the parliament of the Republic of Moldova, explained that the change of electoral system had been largely debated in the Republic of Moldova for the last 17 years, and that the current system had failed (corruption, instability, political crisis). The change was largely supported in Parliament; as well as by mayors and the population at large. He accepted most technical suggestions but considered that the opinion addressed the issue of political opportunity. There had been large debates and the broad majority obtained in Parliament meant there was consensus. Mr Valeriu Ghileţchi and Mr Vasile Bolea, MPs, went along the same lines; Mr Bolea added a factual precision concerning the position of representatives of the Socialist Party.

A discussion was held on the limits which can be put to the state's discretion in the field of electoral systems. Mr Candu reminded that he had asked for an expertise on legal grounds but not for the assessment of the current political context. Several members of the Commission underlined that, like the European Court of Human Rights, the Venice Commission leaves a considerable leeway to the States however it has a mandate to provide advice on the solution most likely to ensure that elections are free and fair; more generally, every interpretation of a text of law has to take place in a complex context.

The Commission adopted the Opinion on the draft law on amending and completing certain legislative acts of the Republic of Moldova (electoral system for the election of the Parliament) (CDL-AD(2017)012), previously adopted by the Council for Democratic Elections.

12. Ukraine

Ms Suchocka informed the Commission on progress of work on the draft opinion on the Draft Law on amendments to the Rules of procedure of the Verkhovna Rada of Ukraine, following the meetings with the Ukrainian authorities which had taken place in Kyiv on 22 and 23 May and in Venice on 15 and 16 June 2017.

The opinion had been requested by Mr Andriy Parubiy, Speaker of the Ukrainian parliament, on 28 February 2017. The submitted draft aimed at bringing the existing Rules of Procedure into line with the current Constitution and at improving the efficiency of the Verkhovna Rada. The draft law had been assessed on the basis of existing European standards and best practices in other member states. Ms Suchocka pointed out that the discussions with the representatives of the Rada had concentrated on four main issues: the respect of the principle of separation of powers; the nature of the act regulating parliamentary procedures; the role of the coalition in parliamentary proceedings and the issue of imperative mandate vs. free mandate. She praised the excellent dialogue the rapporteurs had with the representatives of the Rada and informed the plenary that the draft opinion would be ready for the October plenary session.

Mr Pavlo Pinzenik, First Deputy Chair, Committee on the Rules of Procedure and Internal Organisation of the Verkhovna Rada thanked the Commission and its rapporteurs for the assistance provided. The Committees involved in the preparation of the draft law highly appreciated the work of the Commission's rapporteurs. Mr Pinzenik explained that after the re-enactment in 2014 of the 2004 text of the Ukrainian constitution, there was a need to introduce changes to the Rules of Procedure adopted in 2010. This proposal was supported

by the majority of political forces in the Rada. In his view, the adoption of this first set of amendments would enable further reform of the Rada based on international recommendations, notably the ones included in Mr. P. Cox's report. Mr Pinzenik stressed that the opinion of the Venice Commission would be extremely important for carrying out the necessary reforms.

Mr Tuori reminded the Commission that it had adopted more than 50 opinions on Ukraine and expressed his hope that in the case of the reform of the Rules of Procedure of the Rada co-operation would develop in a constructive and efficient way.

13. Bulgaria

Mr Kask explained that this opinion requested by the Monitoring Committee of PACE covered the review of amendments adopted by the Parliament of Georgia between 2014 and 2016. He recalled the main recommendations underlined in the opinion, i.e. the necessity: to ensure a broad consultation while reforming important provisions in order to encourage public trust and confidence in electoral legislation and processes; to provide for electoral reform well in advance of an election, especially with regard to fundamental elements of electoral legislation; to ensure the establishment of polling stations abroad in conformity with the principle of equal suffrage for all Bulgarian citizens; and to provide for an effective system of appeal of all election-related decisions. Mr Kask also raised other issues such as the right to vote of convicted persons and the right of dual citizens to stand for election. He referred to a discussion held at the meeting of the Council for Democratic Elections on the right to use minority languages during electoral campaigns.

Mr Shlyk expressed his satisfaction with and support for the draft opinion prepared jointly with the Venice Commission.

Mr Yavor Bozhilov Notev, Vice-Chairman of the National Assembly of Bulgaria, thanked the rapporteurs for this opinion and stated that the National Assembly of Bulgaria would work further on the unaddressed recommendations. Regarding the timeline of the reform and in particular the latest changes done shortly before the last elections, he underlined the difficulty of not amending the electoral legislation within one year before an election. Mr Notev underlined that the provisions dealing with prisoners' voting rights and with dual citizens are both constitutional provisions. He stated that campaigning in a language other than Bulgarian would lead to misunderstanding during electoral campaigns.

The Commission adopted the Joint Opinion on amendments to the Electoral Code of Bulgaria (CDL-AD(2017)016), previously adopted by the Council for Democratic Elections.

14. Hungary

Ms Bilkova explained that, as the Hungarian parliament had scheduled the adoption of the draft law in question for 12 June 2017, a preliminary opinion had been prepared, made public and sent to the Hungarian authorities on 2 June 2017. The preliminary opinion related to the text of the draft law, and not to the final version of the law as adopted in the meantime by the Hungarian Parliament.

The announced purpose of the draft Law was to prevent undue foreign political influence, as well as money laundering and financing of terrorism, by ensuring transparency of foreign funding of NGOs. Even though these aims could be considered as legitimate, they could not be used as a pretext to control NGOs or to restrict their ability to carry out their legitimate

work. This effect would go beyond the legitimate aim of transparency. The virulent campaign against several NGOs raised concerns as to whether the law breached the prohibition of discrimination, contrary to Article 14 ECHR. Several concerns were raised in the preliminary opinion. Firstly, the exclusion of a number of associations (sport associations and religious associations) from the scope of the Draft Law might be considered as discrimination since no justification had been put forward for this difference in treatment. Secondly, the obligation to publish the information that the relevant organisation is "an organisation receiving support from abroad" on all press products, the period of three years without any foreign funding as a pre-condition for deregistration, and the obligation to publish the identity of all sponsors (and not only major sponsors) were disproportionate obligations imposed on foreign funded NGOs. Finally, the measure of dissolution for lack of fulfilment of obligations stemming from the Draft Law was also excessive.

Some of the recommendations contained in the Preliminary Opinion had been taken into account during the adoption of the Law: the reference to dissolution had been removed, the obligation to disclose the donors' identity had been limited to donations going beyond a certain threshold and deregistration had been allowed in the absence of important foreign funding during one year. However, contrary to the Venice Commission's recommendations, the adopted law extended, instead of removing, the exceptions to the scope of application of the Law (to include also ethnic minorities' associations) and maintained the obligation to publish information on foreign support on all press products. No public debate had been carried out before the adoption of the law. The amendments made prior to the adoption of the Law did thus not suffice to alleviate the Commission's concerns that the Law was a disproportionate and unnecessary interference with, in particular, the freedom of association.

Mr László Trócsányi, Minister of Justice of Hungary, underlined that NGOs play an important role in the development of Hungarian society and in particular in the field of human rights. He stressed that this important role also entails a number of responsibilities and obligations for NGOs, including that of transparency of the funding of their activities, in particular foreign funding. Mr Trócsányi recalled that there are no clear international standards dealing with the transparency of foreign funding of NGOs, nor an established case-law of international courts. He stressed that transparency, as a legitimate aim, was necessary for the prevention of terrorism financing and money laundering and that different European national parliaments would have to pay attention to the issue of foreign funding of NGOs in the near future.

The ensuing discussion concerned in particular the question whether transparency, as such, may be considered as a legitimate aim for reporting obligations imposed on foreign funded NGOs, as well as whether the specific reporting obligations create or not a discriminatory situation for foreign funded NGOs in comparison to domestically funded NGOs.

The Commission adopted the Opinion on the Draft Law of Hungary on the Transparency of Organisations Supported from Abroad (CDL-AD(2017)015).

The Commission was informed on progress made in the work on the opinion on the amendments to the Tertiary Education Act of Hungary, to be prepared at the request of the Parliamentary Assembly of the Council of Europe, and to the opinion on questions concerning the protection of privacy of public figures, requested by the Minister of Justice of Hungary. Two groups of rapporteurs had been established and contacts made with the Hungarian authorities to travel to Budapest in view of the two forthcoming opinions.

In particular, the Commission was informed that the Bureau, taking into account domestic implementation deadlines, had authorised the rapporteurs to send a preliminary opinion on

the law amending the Tertiary Education Act to the Hungarian authorities prior to the Commission's October session.

The Commission authorised the rapporteurs to send a preliminary opinion on the amendments to the Tertiary Education Act of Hungary to the Hungarian authorities prior to the October Plenary Session.

15. Co-operation with other countries

Poland

The Commission was informed that in April 2017, the Parliamentary Assembly of the Council of Europe had requested an Opinion from the Venice Commission on the Law on Prosecution Service of Poland as amended, and that the draft Opinion would be submitted to the Commission either at its October or at its December 2017 plenary session. A draft opinion might also be prepared on the Law on the Judicial Council of Poland, also at the request of the Parliamentary Assembly, should the pending draft law, already assessed by the OSCE/ODIHR, be substantially amended by the Polish Parliament before its adoption.

Ms Alice Thomas (OSCE/ODIHR) informed the Plenary that the OSCE/ODIHR had prepared an opinion on the Draft Law on the Judicial Council of Poland. This opinion was quite critical. In the draft currently pending before parliament, some of the concerns were at least partly addressed. It was expected that the law would be adopted before the summer break.

16. Information sur les développements constitutionnels dans d'autres pays

Tunisie

Les dispositions transitoires de la Constitution tunisienne de 2014 fixent à six et douze mois à partir des élections législatives les délais pour la mise en œuvre du Conseil supérieur de la magistrature (CSM) et de la Cour constitutionnelle, respectivement. Les élections ont eu lieu le 26 octobre 2014.

La loi organique relative au CSM avait été promulguée le 28 avril 2016. Cependant, le CSM s'est longtemps trouvé dans l'impossibilité de commencer à fonctionner, à cause notamment du départ à la retraite de certains de ses membres d'office, de la non nomination de certains membres, de l'interprétation divergente des dispositions de la loi relatives à la convocation de la première séance et au quorum, ainsi que des clivages entre les deux associations syndicales des magistrats. Ceci a eu comme conséquence directe d'empêcher la mise en place de la Cour constitutionnelle, car la Constitution prévoit que le tiers des membres de la Cour constitutionnelle doit être nommé par le CSM.

Le 18 avril 2017 des amendements ont été votés par l'Assemblée des Représentants du Peuple, donnant le pouvoir au président de l'Assemblée de convoquer le CSM à tenir sa première réunion dans un délai de 7 jours après la date d'entrée en vigueur de la nouvelle loi, et en prévoyant un quorum d'un tiers des membres du CSM en troisième convocation.

Ainsi, la première réunion du CSM a finalement eu lieu le 28 Avril 2017. Le CSM devrait désormais pouvoir nommer le tiers des membres de la Cour constitutionnelle.

17. Information on Conferences and Seminars

5th Intercultural Workshop on Democracy, Nicosia, 3-4 April 2017

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 and entitled "Interaction between Constitutional Courts and equivalent jurisdictions and ordinary courts", had taken place in Nicosia on 3-4 April 2017. It had brought together around 50 participants, including the Minister of Foreign Affairs of Cyprus, the President of the Supreme Court and the Attorney General, judges and academics from Cyprus as well as Chairpersons and members from Constitutional Courts and Councils as well as representatives of the ordinary judiciary from Algeria, Egypt, Jordan, Lebanon, Morocco, the Palestinian National Authority and Tunisia. The event was attended by Mr Zaza Tavadze, Chairman of the Constitutional Court of Georgia, Ms Encarnación Roca Trías, Vice-President of the Constitutional Court of Spain, as well as several members of the Venice Commission.

The workshop focused on four main issues: different models of constitutional control and their impact on the relationship between the constitutional court and other high jurisdictions; independence of the judiciary in general and independence of Constitutional Courts and Councils; access to justice and the individual complaints procedure and implementation and binding effects of Constitutional Court and Council judgments.

Mr Buquicchio also informed the Commission that most participants of this important event had expressed their wish to continue the regional dialogue between judges from Constitutional Courts and Councils and ordinary courts in the framework of similar activities in the nearest future. In his opinion such regional exchanges had also a very positive impact on bilateral activities co-organised between the Commission and the national authorities of Algeria, Jordan, Morocco and Tunisia.

Conference on "The interaction between the political majority and the opposition in a democracy" organised in co-operation with the Presidency of Romania, Bucharest, 6-7 April 2017

The Commission was informed on the results and conclusions of the Conference on "The interaction between the political majority and the opposition in a democracy", (Bucharest, 6-7 April 2017), organised by the Venice Commission in co-operation with the Presidential Administration of Romania and placed under the patronage the Secretary General of the Council of Europe and the President of Romania. The event was intended to contribute to the reflection initiated by the Secretary General, in view of worrying developments noted in this field in recent years, on the interaction between the political majority and the opposition, and ways to make this interaction more effective and constructive.

Over 100 participants, including high level representatives of the Council of Europe (the Deputy Secretary General, the President of the Parliamentary Assembly, the President of the Venice Commission) and the President of Romania, as well as members of parliaments of Council of Europe members States, constitutional judges and experts exchanged views on the role and responsibilities of the majority and on ways to protect the opposition and its rights, and shared lessons learnt from the national experience of various countries in this field.

14th European Conference of Electoral Management Bodies on "Operational EMBs for democratic elections", St Petersburg, 15-16 May 2017

The Commission was informed on the results and conclusions of the fourteenth European Conference of Electoral Management Bodies organised in Saint Petersburg, Russian Federation, on 15 and 16 May 2017, in co-operation with the Central Election Commission of the Russian Federation and the Interparliamentary Assembly of the Commonwealth of Independent States.

The topic of the Conference was "Operational Electoral Management Bodies for Democratic Elections". The participants debated more specifically three main issues: "Functional Electoral Management Bodies"; "Professional Electoral Management Bodies"; and "Towards genuine democratic elections".

Around 130 participants attended the Conference, representing national electoral management bodies and other bodies involved in the electoral field; from 23 European countries and 5 other countries. In total, 28 countries were represented in the Conference.

After fruitful debates, the participants adopted conclusions. Among other issues, the participants recalled the existing international electoral principles, standards and norms that are contained within different international documents. They also recognised the regulatory role of EMBs and their responsibility in implementing electoral legislation; they pointed out the importance of impartiality of EMBs as well as their professionalism and the necessity of strong internal structures in order to achieve good electoral cycles. Mr Kask announced that the 15th EMB Conference will take place in Oslo on 19-20 April 2018; the topic will be "Security in elections".

18. Constitutional and Legal Principles on Ombudsman Institutions

At the joint meeting of the Sub-Commission on Fundamental Rights and the Scientific Council on 15 June, Mr Helgesen had presented a proposal to compile a list of constitutional and legal principles pertaining to Ombudsman institutions. He recalled that over the years, the Venice Commission had produced several opinions on draft laws concerning Ombudsman. The Commission's opinions had been extremely useful for defending this important institution in the democratic order. Sadly, one could witness however that several of these institutions throughout Europe and beyond have recently suffered from attempts to reduce their authority, autonomy and legitimacy.

The International Ombudsman Institute (IOI), for instance, had a whole department devoted to the question of Ombudsman under threat and had listed possible threats to the Ombudsman Institution that they have already witnessed within their network.

The Venice Commission was certainly an appropriate international body to draw up a list of Constitutional and Legal principles on Ombudsman Institutions, in the light of those issued by the United Nations related to the Humans Rights Institutions, and referred to as "Paris Principles".

The Compilation of Venice Commission opinions concerning the Ombudsman Institution (CDL-PI(2016)001) could serve as a useful starting point. A draft would be prepared shortly. Three main Ombudsman Associations had expressed their full support for this initiative, and they would be consulted prior to finalising the document.

The Joint Meeting supported largely this initiative and Mrs Err, Mr Hirschfeldt and Mr Sorensen had already agreed to act as rapporteurs.

M. Igli Totozani, ancien Avocat du Peuple de l'Albanie et ancien Président de l'Association des Ombudsman de la Méditerranée (AOM) souligne que l'institution de l'Ombudsman se trouve confrontée à de nombreux défis connus mais aussi nouveaux comme la crise migratoire. Dans les démocraties en transition, l'institution de l'Ombudsman est peut- être la mieux placée pour ressentir la grande tension entre le droit et les institutions démocratiques, d'une part, et la culture autoritaire héritée du passé, d'autre part. En effet, l'introduction de l'institution de l'Ombudsman semble parfois davantage tenir d'un souci d'intégration européenne que d'un besoin politique. L'élection de l'Ombudsman dans les pays en transition est certainement un des éléments les plus cruciaux qui aura un impact plus tard dans son indépendance et son impartialité. Outre son élection, tout au long de son mandat l'Ombudsman devra faire face à d'autres problèmes ou résistances. Parmi les compétences importantes de l'Ombudsman, figure le pouvoir de dénonciation à travers des rapports annuels et spéciaux. Il est évidemment crucial que le parlement réagisse à ces rapports. Le suivi des recommandations de l'Ombudsman par l'exécutif ou par d'autres institutions est également un point essentiel et souvent problématique. Enfin, souvent la rigidité du cadre juridique de l'Ombudsman ne lui permet pas d'établir de façon indépendante la structure organisationnelle de l'institution. Les mêmes restrictions se répercutent au niveau du recrutement du personnel de l'institution.

M. Totozani conclut en soulignant la réelle nécessité d'élaborer, au niveau international, un certain nombre de standards sur les garanties constitutionnelles et législatives pour l'institution de l'Ombudsman, à l'instar de ce qui a été fait pour le pouvoir judiciaire. Il ne peut que souscrire à l'élaboration de « Principes de Venise » qui selon son expérience, s'avéreront très importants pour les Ombudsman, afin d'accroître leur efficacité, leur transparence, leur déontologie, leur indépendance et éventuellement leur protection mais également à l'égard des parlements et des décideurs politiques, afin de freiner, le cas échéant, toutes tentatives de contrôle et d'exploitation politique de cette institution.

M. Marc Bertrand, Médiateur de la Wallonie, de la Fédération Wallonie Bruxelles (Belgique), et Président de l'Association des Ombudsman et Médiateurs de la Francophonie (AOMF) est présent à la fois au nom de son Association, et comme porte-parole de l'Organisation Internationale de l'Ombudsman (IOI). Il souscrit pleinement à l'exposé de M. Totozani. M. Bertrand tient à préciser que l'institution de l'Ombudsman est une institution en pleine évolution. D'un interlocuteur spécialisé dans les relations ou les dysfonctionnements entre l'administré et l'administration, l'Ombudsman est devenu un défenseur des droits fondamentaux au sens large et en première ligne, et ce, y compris dans les démocraties « apaisées ». Il est souvent le premier interlocuteur dans la lutte contre la discrimination et la promotion de l'égalité, la défense des droits de l'enfant, le respect et la déontologie des services de sécurité de l'état, voire la protection des lanceurs d'alerte. L'institution de l'Ombudsman devient une autorité indépendante qui peutêtre également chargée de la lutte contre la corruption, de l'évaluation de pratiques de bonne gouvernance au sein des autorités publiques. A cet égard, il est primordial que les conditions de nomination, du contenu de son mandat, de son indépendance budgétaire, de ses pouvoirs et du suivi de ses recommandations puissent faire l'objet de garanties constitutionnelles et de standards de référence.

L'AOMF est en train d'établir un Code de déontologie, qui pourrait servir de guide de référence pour l'Institution mais ne saurait remplir la fonction d'un tel référentiel de principes juridiques pour l'institution. C'est pourquoi au nom de l'AOMF et de l'IOI, M. Bertrand remercie vivement la Commission pour son projet d'élaborer des « Principes de Venise » dédiés à l'institution de l'Ombudsman et réitère la disponibilité de ces associations à s'associer à leur élaboration.

Mme Err confirme l'importance d'élaborer de tels principes et de veiller à ce qu'ils répondent aux besoins des Ombudsman, qu'ils soient des nouvelles ou des anciennes démocraties. A cet effet, elle propose d'introduire M. Totozani comme rapporteur dans le groupe de travail.

M. Mahoux entend faire remonter les problèmes qui ont été évoqués au sein de la Commission des affaires juridiques et des droits de l'homme de l'APCE ; ces questions concernent l'APCE et pourront faire l'objet d'un rapport.

M. Buquicchio exprime le souhait que les « Principes de Venise » soient, à l'instar de la liste des critères de l'état de droit, entérinés par les organes du Conseil de l'Europe, que ce soit le Comité des Ministres ou l'APCE, par exemple.

La Commission de Venise décide de dresser une liste des principes constitutionnels et juridiques sur les institutions de l'Ombudsman.

19. Questionnaire on referendums

Mr Alivizatos referred to previous discussions in the Plenary and in the Scientific Council about a new reflection on referendums. He had prepared a questionnaire to be distributed to all members. Mr Kask referred to the discussions within the Council for Democratic Elections; it was concluded that the questionnaire could be refined in order to make some questions less subjective.

Numerous members intervened to stress the importance of this reflection. Mr Meridor stressed the dangerous tendency of political leaders to bypass any intermediary between them and the voters, with the result that their discourse became simplified and shallow. Mr Knezević and Mr Ribićić referred to the constitutional case-law in their countries and stressed that referendums had to be exercised within the framework of the constitution. Mr Tuori expressed the view that before proceeding with the questionnaire it was necessary to define the exact object and added value of this reflection.

It was decided to set up a working group to reflect, possibly with the help of an external expert, on how to proceed with the questionnaire.

20. Report of the meeting of the Joint Council on Constitutional Justice (Karlsruhe, 18-19 May 2017)

Ms Omejec, Co-Chair of the Joint Council on Constitutional Justice informed the Venice Commission about the 16th meeting of the Joint Council on Constitutional Justice, which took place on 18-19 May 2017, hosted by the Federal Constitutional Court of Germany in Karlsruhe.

The event had gathered nearly 70 liaison officers and several members of the Venice Commission and was opened by Mr Andreas Vosskuhle, the President of the Federal Constitutional Court of Germany and by Mr Gianni Buquicchio.

The participants of the Joint Council had been informed that one of the former liaison officers from the Constitutional Court of Turkey, Justice Bekir Sözen, had been detained since 16 July 2016, following the failed *coup d'état* in Turkey. The Joint Council had decided that a letter signed by the Joint Council's Co-presidents be sent to the Turkish authorities, expressing the hope and expectation that the former member of the Joint Council be given a fair process in full respect for his rights of defence.

Constitutional court seminars and contributions to the *Bulletin on Constitutional Case-Law* and the CODICES database were also discussed and the Joint Council had decided to prepare a statement on the importance of the Bulletin and the CODICES database.

On the last day of the Joint Council meeting, a mini-conference on the topic of *"Courageous courts: security, xenophobia and fundamental rights"* had been held, at which liaison officers presented the case-law of their courts on this topic. This was a very active conference, with eight presentations and discussions ranging from the "instrumentalisation" of democratic institutions, also referred to as "decorative constitutionalism," and ways this could be countered by the Courts to the relationship between parliaments and constitutional courts and between constitutional courts and international courts.

21. Report of the meeting of the Council for Democratic Elections (15 June 2017)

Mr Kask informed the Commission on past and future co-operation of the Council with the OSCE/ODIHR and PACE in the field of election observation and the organisation of seminars and workshops. He mentioned the upcoming studies on the allocation of seats to constituencies and on the identification of electoral irregularities through statistical methods as well as a future compilation on electoral dispute resolution.

Link to annotated agenda

The draft opinions on the Electoral Laws of Bulgaria and the Republic of Moldova as well as the questionnaire on referendums were dealt with under items 11, 13 and 19 above.

22. Other business

Aucune autre question n'est soulevée.

23. Dates of the next sessions

The schedule of sessions for 2017 was confirmed as follows:

112th Plenary Session	6-7 October 2017
113th Plenary Session	8-9 December 2017

The Commission confirmed the schedule of sessions for 2018 as follows:

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

Sub-Commission meetings as well as the meetings of the Council for Democratic Elections would take place on the day before the Plenary Sessions.

Link to the list of participants