



Strasbourg, 16 December 2018

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

117th PLENARY SESSION
(Venice, 14-15 December 2018)

SYNOPSIS

The Commission

- Held a minute of silence in memory of the victims of the Strasbourg attack of 11 December 2018;
- Held an exchange of views with Ms Klotilda Bushka, Secretary of the Committee on Legal Affairs and Human Rights, Assembly of **Albania**, and with Mr Oerd Bylykbashi, Representative of the Democratic Party, and adopted the Opinion on the draft Constitutional amendments of Albania enabling the vetting of politicians, previously examined by the Sub-Commissions on Democratic Institutions and on the Mediterranean Basin on 13 December 2018;
- Held an exchange of views with Ms Tamar Chugoshvili, First Deputy Chairperson, Parliament of **Georgia**, and adopted the Opinion on the Provisions on the Prosecutorial Council in the draft organic Law on the Prosecutor's Office and on the Provisions on the High Council of Justice in the Existing Organic Law on General Courts;
- Held an exchange of views with Mr Balázs Orbán, State Secretary, Prime Minister's Office of **Hungary**, and adopted the joint Opinion by the Venice Commission and the OSCE/ODIHR on the Hungarian Law of 20 July 2018 amending certain tax laws and other related laws and on the immigration tax (section 253 on the special immigration tax), previously examined by the Sub-Commission on Fundamental Rights on 13 December 2018;
- Held an exchange of views with Mr Talgat Donakov, Chairman of the High Judicial Council of the Republic of **Kazakhstan**, and adopted the Opinion on the Concept Paper on the reform of the High Judicial Council of Kazakhstan;
- Held an exchange of views with Mr Owen Bonnici, Minister for Justice, Culture and Local Government of **Malta**, and adopted the Opinion on the Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement bodies of Malta, previously examined by the Sub-Commissions on Democratic Institutions and on the Mediterranean Basin on 13 December 2018;
- Held an exchange of views with Ms Ljubica Karamandi-Popcevska, Legal Expert, Ministry of Justice of "**the former Yugoslav Republic of Macedonia**", and adopted the Opinion on the law amending the law on Courts of "the former Yugoslav Republic of Macedonia";
- Held an exchange of views with Mr Ömer Yilmaz, Rapporteur Judge, Department of Human Rights, Ministry of Justice of **Turkey**, and adopted the joint Opinion by the Venice Commission and the OSCE/ODIHR on the Amendments to the electoral legislation and related "harmonisation laws" of Turkey adopted in March and April 2018, previously adopted by the Council for Democratic Elections on 13 December 2018;
- Adopted the report on **separate opinions of Constitutional Courts**, previously examined by the Sub-Commission on Constitutional Justice on 13 December 2018;
- Was informed that information on **follow up** to Venice Commission opinions since 2017 was now publicly available on the Commission's website (item "follow-up" under documents);
- Was informed on follow up to the:

- Opinion on draft amendments to Law No. 303/2004 on the Statute of Judges and Prosecutors, Law No. 304/2004 on Judicial Organisation and Law No. 317/2004 on the Superior Council for Magistracy of **Romania** and Opinion on draft amendments to the Criminal Code and the Criminal Procedure Code of Romania;
 - *Amicus curiae* brief for the **European Court of Human Rights** in the case of Berlusconi v. Italy on the minimum procedural guarantees which a State must provide in the framework of a procedure of disqualification from holding an elective office;
 - Opinion on the Draft Act of **Poland** amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts;
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- Was informed about the report of the Committee on Political Affairs and Democracy of the Parliamentary Assembly on “Updating guidelines to ensure **fair referendums** in Council of Europe member States” and decided, upon the proposal of the Council for Democratic Elections, to launch the revision of its 2007 Code of Good Practice on Referendums;
 - endorsed the Compilation of Venice Commission opinions and reports concerning **digital technologies in the electoral process**;
 - Held an exchange of views with Mr Ahmed Abdel Aziz Abu El Azm, President of the Council of State of **Egypt**, on current and future co-operation;
 - Was informed on recent constitutional developments in **Canada** and in **Japan**, Venice Commission **Observer States**;
 - Was informed on recent constitutional developments in the **Republic of Korea** and in **the United Kingdom**;
 - Was informed on the results and conclusions of the 6th Inter Cultural Workshop on Democracy “The Role and Place of Independent Bodies in a Democratic State” (Tunis, 13-14 November 2018) and of the VIII International Congress of Comparative Law “Comparative Law in search of the Constitutional ideal” (Moscow, 7-8 December 2018);
 - Was informed on **Council of Europe and Venice Commission external funding**;
 - Was informed on the results and conclusions of the meeting of the **Sub-Commission on Latin America** (Mexico City, 30 November 2018);
 - Was informed on the results and conclusions of the meeting of the **Council for Democratic Elections** (13 December 2018);
 - Was informed on the results and conclusions of the joint meeting of the **Sub-Commissions on Democratic Institutions and on Mediterranean Basin** (13 December 2018);
 - Was informed on the results and conclusions of the meeting of the **Sub-Commission on Fundamental Rights** (13 December 2018) and invited all members to submit their comments on the draft report on **Funding of Associations** and on the **draft Joint Guidelines on Freedom of Peaceful Assembly** (3rd Edition) by 21 January 2019;

- Was informed on the preparation of a Conference on stocktaking of democratic reforms in Central and Eastern Europe after 1989, to be held in Lund on 6-7 May 2019, under the auspices of the Finnish Presidency of the Committee of Ministers of the Council of Europe;
- Held an exchange of views with the representatives of the **Committee of Ministers, the Parliamentary Assembly** and the **Congress of Local and Regional Authorities** of the Council of Europe;
- Heard an address by the Governor of the **Council of Europe Development Bank**;
- Was informed on the activities of the **Association of former Venice Commission members and substitute members**;
- Confirmed the dates of the **next Plenary Sessions** as follows: 15-16 March 2019; 21-22 June 2019; 11-12 October 2019 and 6-7 December 2019.