

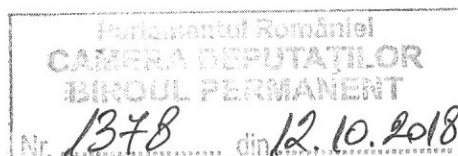


Parlamentul României Camera Deputaților

CABINET SECRETAR GENERAL



APROBAT

București,
Nr.

MEMORANDUM INTERN



În sedința Biroului permanent al
Camerei Deputaților
din data de 15.10.2018

Nr. 1378

În condițiile din
stenograma

De la: **Silvia Claudia MIHALCEA**, Secretar general al Camerei DeputațilorCătre: **Biroul Permanent al Camerei Deputaților**

**Tema: Participarea la cea de-a 116-a Sesiune plenară a Comisiei Europene
pentru Democrație prin Drept – Comisia de la Veneția
(Veneția, 19 – 20 octombrie 2018)**

În perioada 19 – 20 octombrie 2018, la Veneția, vor avea loc lucrările celei de-a 116-a Sesiuni plenare a Comisiei Europene pentru Democrație prin drept (Comisia de la Veneția) la care vor participa domnul vicepreședinte **Florin Iordache (PSD)**, Președinte al Comisiei speciale comune a Camerei Deputaților și Senatului pentru sistematizarea, unificarea și asigurarea stabilității legislative în domeniul justiției, și doamna Andreea Cleras, director general, Direcția generală afaceri externe și protocol a Camerei Deputaților.

Pe ordinea de zi a Sesiunii Comisiei de la Veneția figurează, printre altele, dezbateri pe marginea proiectului de opinie privind amendamentele aduse Codului Penal și Codului de Procedură Penală române. Precizăm că o delegație a Comisiei de la Veneția a efectuat o vizită de lucru la București, în perioada 13 – 14 septembrie 2018, în vederea documentării și elaborării opiniei privind amendamentele la Codului Penal și Codul de Procedură Penală din România, ocazie cu care a adresat și invitația de participare la lucrările celei de –a 116-a Sesiuni plenare.

Acțiunea are caracter parlamentar conform art. 3, alin. d) din HBPr nr. 1/2003, modificată și completată ulterior.

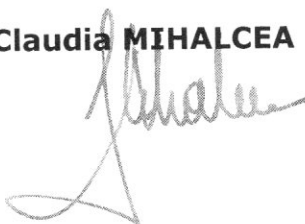
Propunem:

- să se aprobe participarea membrilor delegației la această acțiune;
- deplasarea să se efectueze cu avionul, conform traseului care corespunde programului acțiunii, conform art. 45, alin. 1, lit. a și c, din HBPr 1/2003 cu modificările și completările ulterioare din HBPr 5/2007, pe ruta București – Munchen – Veneția – Munchen – București, cu plecare în data de 18 octombrie 2018, ora 19:05 (LH 1655) și întoarcere în data de 20 octombrie 2018, ora 01:00 (LH 1656);
- să se acorde domnului deputat Florin Iordache drepturi de diurnă categoria a II-a, 100%, majorată conform art. 27, alin 2, lit. a, din HBPr 1/2003 cu modificările și completările ulterioare din HBPr 5/2007, pentru 1 ½ zi și cazare pentru 1 noapte, la hotelul aflat în apropierea locului de desfășurare a acțiunii, în baza prevederilor art. 33, alin. (1) din HBPr nr. 1/2003 cu modificările și completările ulterioare;

- să se acorde doamnei Andreea Cleras drepturi de diurnă categoria II-a, 100%, pentru 1 ½ zi, și cazare 1 noapte, la hotelul aflat în apropierea locului de desfășurare a acțiunii, în baza prevederilor art. 33, alin. (1) din HBPr nr. 1/2003 cu modificările și completările ulterioare;
- să se acorde membrilor delegației un avans de 50% cu decontare ulterioară și, totodată, să se suporte din acesta eventuale alte taxe suplimentare cum ar fi taxele de oraș sau sejur percepute de hotel;
- să se suporte din bugetul Camerei Deputaților cheltuielile privind serviciile de asigurare contra accidentelor și asigurare de sănătate pentru membrii delegației în perioada efectivă de deplasare;
- decontarea cheltuielilor să se facă la întoarcerea în țară, pe baza documentelor justificative.

SECRETAR GENERAL

Silvia Claudia MIHALCEA



AVIZAT:

SECRETAR GENERAL ADJUNCT INTERIMAR

Georgiana TOBĂ



DIRECTOR GENERAL
AFACERI EXTERNE ȘI PROTOCOL

Andreea Elena CLERAS





Mr Florin IORDACHE,
Chair of the Joint Special Parliamentary
Commission for amending the Judicial
Laws BUCHAREST
Romania

Ref ► J.Dem. 345

Strasbourg, 18 September 2018

Dear Sir,

I have the honour to invite you to attend as a special guest, the 116th Plenary Session of the European Commission for Democracy through Law which will take place on Friday, 19 October 2018 (from 9.00 a.m. to 6.00 p.m.) to Saturday, 20 October 2018 (9.00 a.m. to 1.00 p.m.) in Venice, at the Scuola Grande San Giovanni Evangelista, S. Polo 2454, (near S. Tomà pier).

During the session you are invited to take part in the Commission's discussions on the draft opinion on Amendments to criminal Code and Criminal procedure code of Romania.

A preliminary draft agenda is enclosed. Interpretation between English and French will be provided.

I would be grateful if you could inform us whether you are able to attend this meeting.

Yours faithfully,



Thomas Markert
Director, Secretary of the Commission



COUNCIL OF EUROPE

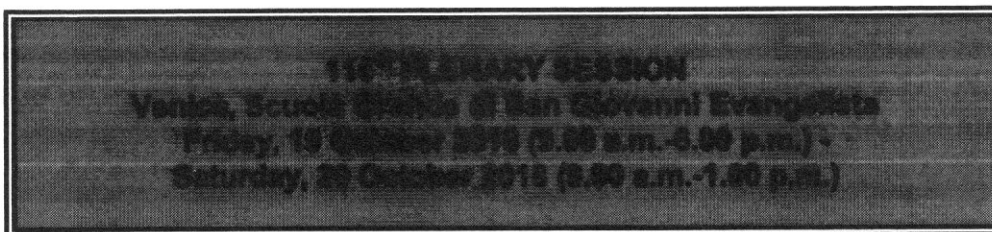


CONSEIL DE L'EUROPE

Strasbourg 5 October 2018

CDL-PL-OJ(2018)003ann
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)



DRAFT ANNOTATED AGENDA

Friday, 19 October 2018

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 ([CDL\(2018\)030](#)).

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 18 October 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 Răzvan Rusu, Permanent Representative of Romania to the Council of Europe, with Ambassador Irakli Giviashvili, Permanent Representative of Georgia to the Council of Europe and with Ambassador Stephan Müller, Permanent Representative of Luxembourg 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 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.

The draft opinions on Romania (see item 10), 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.

8. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Armenia - Opinion on the draft Constitutional Law on the Constitutional Court ([CDL-AD\(2017\)011](#));

Armenia - Joint Opinion on the draft Law on Referendum ([CDL-AD\(2017\)029](#));

Republic of Moldova – Opinion on proposed new Article 37 of the Law on the People's Advocate on Finance Provisions (CDL-AD(2017)032) - – see document CDL-REF(2018)048;

Montenegro - Opinion on the draft Law on amendments to the Law on the Judicial Council and Judges (CDL-AD(2018)015) – see document CDL-REF(2018)047;

Serbia - Opinion on the draft amendments to the constitutional provisions on the judiciary (CDL-AD(2018)011).

The opinion on “the former Yugoslav Republic of Macedonia” (see item 14) is a follow up to a previous opinion adopted on this country (CDL-AD(2017)033).

9. Albania

The Commission is invited to hold an exchange of views with Ms Vasilika Hysi, Vice President of the Parliament of Albania, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR (CDL(2018)028) on the draft Law on the Legislative initiative of Citizens in Albania (CDL-REF(2018)039) drawn up on the basis of comments by Mr Kask and Mr Pinelli as well as OSCE/ODIHR experts. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 18 October 2018.

10h45-11h00

Coffee break

11h00-13h00

Discussion and adoption of opinions on individual countries

10. Romania

The Commission is invited to endorse, the preliminary opinion (CDL-PI(2018)007) on draft amendments to Law No. 303/2004 on the statute of judges and prosecutors, Law No. 304/2004 on judicial organization, and Law No. 317/2004 on the Superior Council for Magistracy (CDL-REF(2018)022, 023 and 024) drawn up on the basis of comments by Ms Bazy Malaurie, Mr Cameron, Mr Esanu, Mr Scholsem, Mr Tuori and Ms Suchocka. In accordance with the decision taken by the Bureau, this preliminary opinion has already been issued. A Government Emergency Ordinance implementing some recommendations of the opinion may be adopted before the session. In this case the Commission may be invited to adopt the opinion with some amendments reflecting the Government Emergency Ordinance.

The Commission is invited to hold an exchange of views with Mr Florin Iordache, Chair of the Joint Special Parliamentary Commission for amending the Judicial Laws and with Ms Marieta Safta, State Secretary, Ministry of Justice, and to examine, with a view to adoption, the draft opinion (CDL(2018)029) on amendments to the Criminal Code and Criminal Procedure Code (CDL-REF(2018)045; see also documents CDL-REF(2018)042, 043 and 044) drawn up on the basis of comments by Mr Baramidze, Mr Barrett, Mr Kuijer, Mr Sorensen, Mr Tuori as well as Mr Guido Neppi Modona and Mr Marc Touillier (experts). The Sub-Commissions on the Judiciary and on Fundamental Rights will examine this draft opinion at the joint meeting on 18 October 2018.

11. Kazakhstan

The Commission is invited to hold an exchange of views with Mr Marat Beketayev, Minister of Justice of the Republic of Kazakhstan, and with Mr Zhakip Asanov, President, Supreme Court of the Republic of Kazakhstan, and to examine, with a view to adoption, the draft opinion (CDL(2018)031) on the Administrative procedure and justice code of Kazakhstan (CDL-

REF(2018)037) drawn up on the basis of comments by Mr Hirschfeldt, Ms Khabrieva as well as Ms Slavica Banic and Mr George Papuashvili (experts).

13h00-14h30	<i>Lunch</i>
14h30-16h00	<i>Co-operation with Morocco</i>
	<i>Discussion and adoption of Opinions on individual countries (Continued)</i>

12. Morocco

Mr Mohamed Auajjar, Minister of Justice and Liberties of Morocco, will address the Commission.

13. Republic of Moldova

The Commission is invited to hold an exchange of views with the representative of the Ministry of Justice of the Republic of Moldova, and to examine, with a view to adoption, the draft opinion (CDL(2018)027) on Law no. 120 of the Republic of Moldova on preventing and combating terrorism (CDL-REF(2018)046) drawn up on the basis of comments by Ms Bazy Malaurie, Mr Cameron, Ms McMorrow and Mr Meridor.

14. “The former Yugoslav Republic of Macedonia”

The Commission is invited to hold an exchange of views with Ms Renata Deskoska, Minister of Justice, and to examine, with a view to adoption, the draft opinion (CDL(2018)024) on the Law amending the Law on the Judicial Council and on the Law amending the Law on Courts (CDL-REF(2018)029 and 030; see also documents CDL-REF(2018)027 and 028) drawn up on the basis of comments by Mr Barrett, Mr Dimitrov, Mr Ribicic and Mr Varga.

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

15. Tunisia

The Commission is invited to hold an exchange of views with Mr Mondher Bousnina, Head of Cabinet, Ministry for relations with constitutional bodies, the civil society and human rights, and to examine, with a view to adoption, the draft opinion (CDL(2018)023) on the draft organic Law on the organisation of political parties and their financing (CDL-REF(2018)035 and 036) drawn up on the basis of comments by Mr Frendo, Ms Kiener and Mr Velaers. The Sub-Commission on the Mediterranean Basin will examine this draft opinion at its meeting on 18 October 2018.

16. Uzbekistan

The Commission is invited to hold an exchange of views with Mr Mirza-Ulugbek E. Abdusalomov, President, Central Electoral Commission of Uzbekistan, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR (CDL(2018)026) on the draft Election Code of Uzbekistan (CDL-REF(2018)038) drawn up on the basis of comments by Mr Kask and Mr Vilanova Trias as well as OSCE/ODIHR experts. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 18 October 2018.

- 19h15 Departure by private boat from the Imbarcadero close to former F30 restaurant ([link to map showing departure point](#))
- 20h00 Dinner at Venice Banqueting, Sestiere Castello, 3080/A, Ramo Baffo, Venice
- 22h30 Return to Hotels by your own means
([link to Vaporetto map from Celestia](#))
([link to route to and from San Marco and/or Rialto](#))

Saturday, 20 October 2018

9h00-10h30 *Information on constitutional developments in other countries*
Exchange of views with the UN Special Adviser on the Prevention of Genocide
Co-operation with other countries
Developments in the case-law of the European Court of Human Rights

17. Information on constitutional developments in other countries

Brazil

Mr José Antonio Dias Toffoli, President of the Federal Supreme Court of Brazil, will address the Commission.

Mexico

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

Peru

Mr Sardon will inform the Commission on recent constitutional developments in Peru.

18. Exchange of views with the UN Special Adviser on the Prevention of Genocide

Mr Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, will address the Commission.

19. Co-operation with other countries

Bosnia and Herzegovina

The Commission will be informed on progress in the electoral reform process in Bosnia and Herzegovina.

Canada

Mr Stéphane Dion, Ambassador of Canada to Germany and Special Envoy to the European Union and Europe and Mr Warren Newman, Senior General Counsel, Constitutional, Administrative and International Law Section, Department of Justice, will address the Commission.

20. Developments in the case-law of the European Court of Human Rights

The Commission will be informed on developments in the recent case-law of the European Court of Human Rights as concerns references to Venice Commission studies, reports and opinions.

10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Report of the meeting of the Council for Democratic Elections</i> <i>Reports of Sub-Commission Meetings</i>

21. Report of the meeting of the Council for Democratic Elections (18 October 2018)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 18 October 2018. In particular the Commission may be invited to take note that some provisions of the English version of the Code of good practice on referendums and in the Code of good practice in electoral matters will be aligned to the French version ([link to document](#)).

[Link to annotated agenda](#)

The draft opinions on Albania and on Uzbekistan are dealt with under items 9 and 16 above.

22. Report of the meeting of the Sub-Commission on the Mediterranean Basin (18 October 2018)

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 18 October 2018. In particular the Commission will be informed on the results of:

UniDem-Med Seminar “Transformation and innovation in the senior Civil Service: challenges and opportunities” (Tunis, 24-27 September 2018);
Second International Conference of the Arab Union of Administrative Judiciary on “Voting In Elections and Referendums - Right and Duty” (Cairo, 8-9 October 2018)

[Link to annotated agenda](#)

The draft opinion on Tunisia is dealt with under item 15 above.

23. Report of the meeting of the Sub-Commission on Working methods (18 October 2018)

The President of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 18 October 2018. In particular the Commission may be invited to adopt amendments to the Rules of Procedure ([CDL-WM\(2018\)002](#)) and to endorse the Protocol on the preparation of Venice Commission urgent opinions ([CDL-WM\(2018\)003](#)).

[Link to annotated agenda](#)

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

The Commission will be informed on progress on the Principles on the protection and promotion of the Ombudsman Institution (the Venice Principles) in preparation for the Consultation Meeting to be held in Paris on 31 October 2018.

25. Dates of the next sessions

The final session of 2018 is confirmed as follows:

117 th Plenary Session	14-15 December 2018
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The schedule of sessions for 2019 is confirmed as follows:

118 th Plenary Session	15-16 March 2019
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.

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

[Link to list of meetings](#)

[Link to table plan](#)