



2024/1680

12.6.2024

COUNCIL DECISION (EU) 2024/1680

of 22 April 2024

on the position to be taken on behalf of the European Union within the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence on amendments to the Committee's Rules of Procedure, with regard to matters related to institutions and public administration of the Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 336, in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Council of Europe Convention on preventing and combating violence against women and domestic violence ('the Convention') was concluded by the Union by means of Council Decision (EU) 2023/1075 ⁽¹⁾, with regard to institutions and public administration of the Union, and by means of Council Decision (EU) 2023/1076 ⁽²⁾, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, and entered into force for the Union on 1 October 2023. To date, there are 39 Parties to the Convention, including the Union and 22 Member States.
- (2) The Committee of the Parties ('the Committee') is a body of the monitoring mechanism of the Convention. Pursuant to Article 67(3) of the Convention, the Committee has adopted its own rules of procedure ('the Rules of Procedure'). The Rules of Procedure provide that each Party to the Convention has one vote. The accession of the Union to the Convention requires certain adjustments to the Rules of Procedure in order to determine the modalities for the Union exercising its voting rights as a Party to the Convention.
- (3) In August 2023, the Secretariat of the Committee proposed certain amendments to the Rules of Procedure to reflect the impact of the Union's accession on the functioning of the Committee. It has asked Parties to the Convention and the Union to submit drafting suggestions with a view to adopting the amendments in 2024. The amendments are to be discussed and, if possible, adopted at the 16th meeting of the Committee on 31 May 2024.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Committee, as the amendments to the Rules of Procedure will be legally binding on the Union.
- (5) According to the draft amendments proposed by the Secretariat of the Committee, the rules on quorum for the adoption of the Committee's decisions as provided for in the Rules of Procedure would be maintained but supplemented by some new requirements. The Union should propose alternative amendments to the Rules of Procedure to better reflect the scope of the Union's accession to the Convention and protect the Union's interests while showing the Union's willingness to accommodate the concerns of Parties to the Convention which are not Member States of the Union.
- (6) As regards the general rule on voting in Rule 20 of the Rules of Procedure, the Secretariat of the Committee proposes to include a non-additionality clause according to which it would be either the Union or its Member States which are entitled to vote on a particular matter. The principle of non-additionality is already incorporated in other Council of Europe conventions to which the Union has acceded and should also be accepted in this case. However, the wording of the clause should be adapted to reflect the respective competences of the Union and the Member States.

⁽¹⁾ Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union (OJ L 143 I, 2.6.2023, p. 1).

⁽²⁾ Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement (OJ L 143 I, 2.6.2023, p. 4).

- (7) As regards the general rule on voting in Rule 20 of the Rules of Procedure, the Secretariat of the Committee also proposes to include a double-majority requirement, meaning that a decision will be adopted with a majority of two thirds of the votes cast only if it is supported by a simple majority of the votes cast by Parties to the Convention which are not Member States of the Union. Such a requirement would counterbalance the fact that the Union has a simple majority in the Committee in terms of votes, thereby addressing possible concerns by Parties to the Convention which are not Member States of the Union as to the weight of the Union's vote. The Union should suggest that the double-majority requirement be amended in order to provide that it applies only where the Union participates in a vote and is voting with a number of votes equal to or greater than two thirds of all votes attributed to the members of the Committee, and in order to reflect the respective competences of the Union and the Member States.
- (8) As regards the specific rules for the election of members of the Group of experts on action against violence against women and domestic violence ('GREVIO'), the Union should propose further amendments in addition to the proposed amendment providing for one vote for the Union in addition to the individual vote of each Member State. As regards, more specifically, decisions to request the withdrawal of one or more candidates who do not meet the requirements for membership of GREVIO, the Secretariat of the Committee proposes to apply a double-majority requirement. While such decisions are of an exceptional character, the Union should propose that the two-thirds majority of the votes cast, as required for such decisions, include a simple majority of the votes cast by representatives of Parties other than the Union and its Member States only if the Union and its Member States are voting with a number of votes equal to or greater than two thirds of all votes attributed to members of the Committee.
- (9) As regards amendments to the Rules of Procedure which are to be adopted by a two-thirds majority of the votes cast, with each Party to the Convention having one vote, the Union should propose that the addition of a double-majority requirement as proposed by the Secretariat of the Committee only apply if the Union and its Member States are voting with a number of votes equal to or greater than two thirds of all votes attributed to the members of the Committee, subject to clarifying that the principle of non-additionality does not apply to that situation.
- (10) As regards the Rules of Procedure, the reference to the Union in the list of participants which are not members of the Committee should be deleted since it has become obsolete.
- (11) The position of the Union within the Committee should therefore be based on the attached draft amendments to the Rules of Procedure.
- (12) The position of the Union within the Committee should be without prejudice to future positions concerning rules of procedure in relation to other Council of Europe conventions or Union agreements with third countries or international organisations,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee of the Parties ('the Committee'), established under Article 67 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, with regard to the adoption of amendments to the Rules of Procedure of the Committee shall be based on the draft amendments to the Rules of Procedure attached to this Decision.

Article 2

This Decision shall enter into force the date of its adoption.

Done at Luxembourg, 22 April 2024.

For the Council

The President

J. BORRELL FONTELLES

ANNEX

The position to be taken on the Union's behalf in the Committee of the Parties, established under Article 67 of the Convention, on the amendments to the Rules of Procedure of the Committee of the Parties, at the meeting of the Committee of the Parties on 31 May 2024.

The European Union recalls that it acceded to the Istanbul Convention in order to prevent and fight violence against women and domestic violence. The Union collaborates genuinely with non-EU Member States in all international treaties to which it accedes full stock.

The Union wishes to affirm that in respect to double majority requirement, this requirement applies only when the Union is voting with a number of votes equal to or greater than two-thirds of all votes attributed to the members of the Committee (Rule 20) or reaches such a number of votes together with the Member States of the European Union when both the Union and its Member States are entitled to vote (Rules 21 and 25).

The European Union points out that its present position on the amendments of the Rules of Procedure in the Committee of the Parties is without prejudice to future positions concerning Rules of Procedure in relation to other Council of Europe Conventions or Union agreements with third countries or international organisations.

Rule 20 — Voting*Amendment No 1:*

'1. Each member of the Committee shall have one vote. Where the delegation of a Party is composed of more than one representative, only one of them is entitled to take part in voting.

The European Union shall exercise its right to vote with a number of votes equal to the number of those of its Member States which are Parties to the Convention and which are bound by the Union's exercise of its competence. The Member States of the European Union which are not bound by the Union's exercise of its competence can vote separately.

Where the European Union is entitled to exercise its right to vote, the Member States which are Parties to the Convention and which are bound by the Union's exercise of its competence in the matter to be voted upon, shall not vote. When all its Member States that are Parties to the Convention are entitled to exercise their right to vote, the European Union shall not vote.'

'2. Voting requires a quorum.'

Amendment No 2:

'3. The decisions of the Committee are taken by a two-thirds majority of the votes cast. Where the European Union participates in a vote in accordance with paragraph 1, subparagraphs 2 and 3, a two-thirds majority shall include a simple majority of the votes cast by the other Parties if the number of votes with which the Union shall exercise its right to vote is equal to or greater than two-thirds of all votes attributed to the members of the Committee.'

'4. Procedural questions shall be decided by a majority of the votes cast.'

'5. If any question arises as to whether a matter is procedural or not, it shall not be treated as procedural unless the Committee so decides by a two-thirds majority of the votes cast in accordance with paragraph 3.'

'6. For the purposes of these Rules, "votes cast" shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.'

Rule 21 — Specific rules for the election of GREVIO members

‘1. Rules 16, 19 and 20 of the present rules do not apply to the election of members of GREVIO.’

[...]

Amendment No 3:

‘4. A Committee decision to request the withdrawal of one or more candidates who do not meet the requirements for membership of GREVIO as set out in Rules 2 to 5 of the rules on the election procedure of the members of GREVIO requires a two-thirds majority of the votes cast, including a simple majority of the votes cast by representatives of Parties other than the European Union and its Member States if the number of votes attributed to the European Union and its Member States is equal to or greater than two-thirds of all votes attributed to the members of the Committee. For the purposes of the present Rule, “votes cast” shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.’

[...]

‘7. Each member of the Committee shall have one vote. Where the delegation of a Party is composed of more than one representative, only one of them is entitled to take part in the voting.’

Rule 25 — Amendments to the Rules of Procedure

Amendment No 4:

‘The Committee may amend the Rules of Procedure by a two-thirds majority of the votes cast, including a simple majority of the votes cast by representatives of Parties other than the European Union and its Member States if the number of votes attributed to the European Union and its Member States is equal to or greater than two-thirds of all votes attributed to the members of the Committee. For the purposes of the present Rule, Rule 20, paragraph 1, subparagraphs 2 and 3, shall not apply.’

Rule 2 — Composition

1. Members

- a. Pursuant to paragraph 1 of Article 67 of the Convention, members of the Committee shall be the representatives of the Parties to the Convention.

[...]

2. Participants

[...]

- b. The following may appoint representatives to participate in the meetings of the Committee without the right to vote or the defrayal of expenses:

- i) States which have signed but not yet ratified the Convention;
- ii) States which have ratified or acceded to the Convention but for which it has not yet entered into force;
- iii) States invited to accede to the Convention.

[...]