Council of the European Union

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COSCE 10

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	Resolution laying down necessary arrangements for the commencement of the functions of the Claims Commission and the fulfilment of its mandate

RESOLUTION OF THE DIPLOMATIC CONFERENCE

The Diplomatic Conference for the Adoption of the Convention Establishing an International Claims Commission for Ukraine

Having adopted the Convention Establishing an International Claims Commission for Ukraine;

Recognising the need to establish the International Claims Commission for Ukraine ("Commission") without undue delay and to make the necessary arrangements for the commencement of its functions and the fulfilment of its mandate,

Decides as follows:

1. To request the Kingdom of the Netherlands to host the Commission for the duration of its work.

2. To request the Council of Europe to set up an advance team, with the participation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, on preparation for the presence of the Commission in the host State. The advance team shall:

    a. engage with the Government of the host State to:

        i. prepare a draft text of a host State agreement between the host State and the Commission, including on matters of privileges and immunities in the host State;

ii. prepare arrangements regarding the presence of the Commission in the host State, such as security measures, any required practical and logistical arrangements (such as housing of the office), and other matters related to the hosting, and, as appropriate, subsequently prepare draft documents on these issues in consultation with the host State; and

b. prepare a report on its work, together with any draft documents, and submit it to the first meeting of the Assembly of the Commission;

c. operate on a working-level basis;

d. transfer its work to the Commission and terminate its operations after the first meeting of the Assembly of the Commission.

3. To request the Committee of Ministers of the Council of Europe to establish, in accordance with Article 17 of the Statute of the Council of Europe (ETS No. 1), a committee to function as a preparatory committee for the International Claims Commission for Ukraine ("Preparatory Committee").

4. The Preparatory Committee shall consist of the signatories of the Council of Europe Open Convention Establishing an International Claims Commission for Ukraine. The Preparatory Committee may decide to invite other members and observers of the Diplomatic Conference to become observers of the Preparatory Committee.

5. The Preparatory Committee, at its first meeting, shall elect its Chair and Vice-Chair, adopt its rules of procedure, and decide on its programme of work.

6. The working languages of the Preparatory Committee shall be the two official languages of the Council of Europe, English and French.

7. The Preparatory Committee shall prepare proposals and practical arrangements for the establishment and coming into operation of the Commission, including the following draft documents to be adopted by the Assembly of the Commission:

   a. rules of procedure of the Assembly of the Commission;

   b. rules and procedure for the nomination and election of the Executive Director;

   c. rules and procedure for the election of members of the Financial Committee;

   d. a provisional budget for the first financial year of the Commission; and

   e. a scale for annual assessed contributions of Members.

8. The Preparatory Committee shall prepare a report on all matters within its mandate and submit it to the first meeting of the Assembly of the Commission, as well as inform the Committee of Ministers of the Council of Europe.

9. The Preparatory Committee shall meet in The Hague, the Netherlands. Any costs arising from such meetings shall be financed by voluntary contributions of members and observers of the Preparatory Committee. Representatives of members and observers in the Preparatory Committee shall defray their own travel and subsistence expenses.

10. The Secretariat General of the Council of Europe will serve as the secretariat of the Preparatory Committee.

11. The Secretary General of the Council of Europe is invited to convene the Preparatory Committee.

12. The Preparatory Committee shall remain in existence until the conclusion of the first meeting of the Assembly of the Commission.