Council of the European Union

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COSCE 10

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the signing, on behalf of the European Union, of the Convention Establishing the International Claims Commission for Ukraine

COUNCIL DECISION (EU) 2025/…

of …

on the signing, on behalf of the European Union, of the Convention Establishing the International Claims Commission for Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Following the start of the unprovoked and unjustified war of aggression waged by the Russian Federation against Ukraine, in its Conclusions of 24 February 2022, the European Council condemned in the strongest possible terms the Russian Federation's military aggression against Ukraine and affirmed that the Russian Federation bears full responsibility for this aggression and all the destruction and loss of life it causes, and that it will be held accountable for its actions.

(2) On 14 November 2022, the United Nations (UN) General Assembly adopted Resolution A/RES/ES-11/5 in which it recognised that the Russian Federation must be held to account for any violations of international law in or against Ukraine. In addition, it recognised that the Russian Federation must bear the legal consequences of all its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts. Against this background, the UN General Assembly recognised the need for the establishment, in cooperation with Ukraine, of an international mechanism for reparation for damage, loss or injury, arising from the internationally wrongful acts of the Russian Federation in or against Ukraine. To this end, the UN General Assembly recommended the creation of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury to all natural and legal persons concerned, as well as to the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and coordinate evidence-gathering.

(3) On 12 May 2023, the Committee of Ministers of the Council of Europe adopted Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine. As reflected in that Resolution, the establishment of a register of damage constitutes a first step in setting up an international compensation mechanism, which may include a claims commission and a compensation fund. Accordingly, Resolution CM/Res(2023)3 acknowledges that the Register of Damage, including its digital platform with all data about claims and evidence recorded therein, is intended to constitute an integral part of the compensation mechanism to be established by a separate international instrument in cooperation with Ukraine and relevant international organisations and bodies.

(4) Having joined the Register of Damage as a founding Associate Member on 11 May 2023, the Union changed its status to full Participant on 22 July 2024.

(5) On 29 February 2024, the European Parliament and the Council adopted Regulation (EU) 2024/792 establishing the Ukraine Facility[1], which provides for funding for initiatives and bodies involved in supporting and enforcing international justice in Ukraine. This includes, among others, the Union's financial contribution to the Register of Damage.

[1] Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility (OJ L, 2024/792, 29.2.2024, ELI: http://data.europa.eu/eli/reg/2024/792/oj).

(6) In 2024, the Office of the President of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Foreign Affairs of the Kingdom of the Netherlands and the Register of Damage for Ukraine invited the States that supported the adoption of UN General Assembly Resolution A/RES/ES-11/5 to preparatory meetings on an International Instrument to establish a Claims Commission for Ukraine in The Hague.

(7) On 17 March 2025, the Council adopted Decision (EU) 2025/702[2] authorising the Commission to take part, on behalf of the Union, in the negotiations for an international instrument setting up an International Claims Commission for Ukraine.

(8) Between March and September 2025, approximately 55 delegations, including the European Union and all its Member States, participated in four rounds of negotiations in The Hague. The first three rounds were held in the framework of the Intergovernmental Negotiation Committee on an International Treaty to Establish a Claims Commission for Ukraine (the 'INC'), which exchanged views on the draft treaty, concluded several readings of the text and produced subsequent revised versions thereof.

[2] Council Decision (EU) 2025/702 of 17 March 2025 authorising the European Commission to take part, on behalf of the Union, in the negotiations for an international instrument setting up an International Claims Commission for Ukraine (OJ L, 2025/702, 8.4.2025, ELI: http://data.europa.eu/eli/dec/2025/702/oj).

(9) During the third round of negotiations in July 2025, the INC decided to develop the International Instrument to establish a Claims Commission for Ukraine as a Council of Europe Convention (the 'draft Convention') open also to State Parties that are not members of the Council of Europe and to the European Union. Consequently, the fourth round of negotiations was held in the framework of the first meeting of the Ad hoc Committee on the Establishment of an International Claims Commission for Ukraine under the auspices of the Council of Europe. The work of the INC was subsequently transferred to, and continued within, the framework of that Ad hoc Committee, which further examined and provisionally approved the draft Convention as well as the Rules of Procedure for the Diplomatic Conference for the adoption of the draft Convention, the draft Resolution laying down necessary arrangements for the commencement of the functions of the Claims Commission and the fulfilment of its mandate and the draft Final Act for adoption at a Diplomatic Conference to be held in The Hague on 16 December 2025. The Final Act will include the Convention, the Resolution and the meeting report of the Diplomatic Conference as appendices.

(10) On 22 October 2025, the Committee of Ministers of the Council of Europe provisionally adopted the draft Convention in view of its adoption and opening for signature on the occasion of the diplomatic conference referred to in recital 11.

(11) The draft Convention considers the International Claims Commission for Ukraine to constitute the second component of the international compensation mechanism, which is to succeed the Register of Damage for Ukraine, whose work will be transferred to the Claims Commission as soon as possible after the establishment of the latter. The draft Convention also recognises that the International Claims Commission for Ukraine may include, as the third component, a future compensation fund mandated to pay compensation for damage, loss or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine.

(12) Pursuant to Article 30 of the draft Convention, the Convention is open for signature by all member States of the Council of Europe, the European Union and any other States that participated in the diplomatic conference referred to in recital 11, and any other States that voted in favour of UN General Assembly Resolution A/RES/ES-11/5.

(13) The Union is firmly committed to ensuring that the Russian Federation bears the legal consequences of its internationally wrongful acts against Ukraine, including the obligation to make reparation for any damage, loss and injury caused by those acts. It is therefore appropriate for the Union to sign the Convention Establishing the International Claims Commission for Ukraine and its Final Act as well as to approve the adoption of the Resolution laying down the necessary arrangements for the commencement of the functions of the Claims Commission and the fulfilment of its mandate,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Convention Establishing an International Claims Commission for Ukraine on behalf of the Union is hereby authorised, subject to the conclusion of that Convention[3+].

The signing of the Final Act of the Diplomatic Conference for the adoption of that Convention on behalf of the Union is hereby authorised.

The adoption of the Resolution laying down necessary arrangements for the commencement of the functions of the Claims Commission and the fulfilment of its mandate is hereby approved on behalf of the Union.

The drafts of the Final Act and the Resolution of the Diplomatic Conference are attached to this Decision.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at …, …

For the Council
The President

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[3] The text of the Convention will be published together with the decision on its conclusion.
[+] Delegations/OJ: see document ST 15500/25.