Council of the European Union

Brussels, 9 December 2025
(OR. en)

15500/25

Interinstitutional File:
2025/0355(NLE)

COSCE 11

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Convention establishing an International Claims Commission for Ukraine

CONVENTION ESTABLISHING
AN INTERNATIONAL CLAIMS COMMISSION FOR UKRAINE

[The Hague, 16.XII.2025].

Preamble

[List of States and the European Union],

Recalling the obligations of all States under Article 2 of the Charter of the United Nations, including the obligation to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means;

Expressing grave concern at the loss of life, civilian displacement, catastrophic destruction of infrastructure and natural resources, loss of public and private property, and economic calamity caused by the Russian Federation's aggression against Ukraine;

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice, and respect for human rights, and of developing friendly relations among nations irrespective of their political, economic, and social systems or the levels of their development;

Recalling United Nations General Assembly Resolution ES-11/1 of 2 March 2022, entitled "Aggression against Ukraine", in which the General Assembly deplored in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the Charter of the United Nations;

Recalling the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts and the obligation of the responsible State to make full reparation for the injury caused by the internationally wrongful act;

Recalling United Nations General Assembly Resolution 60/147 of 16 December 2005, in which the General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;

Recalling United Nations General Assembly Resolution ES-11/5 of 14 November 2022, entitled "Furtherance of remedy and reparation for aggression against Ukraine", in which the General Assembly recognised that the Russian Federation must be held to account for any violations of international law in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations of international humanitarian law and international human rights law;

Recalling that in Resolution ES-11/5, the General Assembly further recognised that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts;

Recalling that the General Assembly further recognised the need for the establishment, in cooperation with Ukraine, of an international mechanism for reparation for damage, loss, or injury, and arising from the internationally wrongful acts of the Russian Federation in or against Ukraine;

Recalling that the General Assembly recommended the creation by member States, in cooperation with Ukraine, 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 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;

Welcoming the creation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine through Resolution CM/Res(2023)3 of the Committee of Ministers of the Council of Europe of 12 May 2023 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine as confirmed by Resolution CM/Res(2025)3 of the Committee of Ministers of the Council of Europe of 9 July 2025;

Noting also that the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine is operational and receives, processes, and records claims in accordance with its Statute;

Recalling the Statute of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, which stipulates that the work of the Register, including its digital platform with all data about claims and evidence recorded therein, is intended to constitute the first component of a future international compensation mechanism to be established by a separate international instrument in cooperation with Ukraine;

Noting that this Convention is such an international instrument and that it establishes the International Claims Commission for Ukraine, which constitutes the second component of the international compensation mechanism that may also 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;

Noting that whilst this Convention addresses internationally wrongful acts committed by the Russian Federation in or against Ukraine on or after 24 February 2022, this does not absolve the Russian Federation of any responsibility for its internationally wrongful acts committed in or against Ukraine on or after 20 February 2014, nor does it preclude the possibility of a future amendment to this Convention to allow its temporal scope to be extended to 20 February 2014;

Committing to implement the provisions of this Convention in conformity with international law,

Have agreed this Council of Europe Open Convention as follows:

PART I – USE OF TERMS

Article 1 – Definitions

For the purposes of this Convention:

(a) "Assembly" shall mean the Assembly of the Members of the Commission established in accordance with Article 7 of this Convention;

(b) "Claims" within the meaning of Article 3 of this Convention shall mean claims submitted to the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine in accordance with its rules and, after the transfer of the work of the Register to the Commission under Part VII of this Convention, the claims submitted in accordance with the rules and procedures referred to in Article 25 of this Convention;

(c) "Commission" shall mean the International Claims Commission for Ukraine established by this Convention;

(d) "Commissioner" shall mean an individual elected as a member of a Panel in accordance with Article 11 of this Convention;

(e) "Council" shall mean the Council of the Commission established in accordance with Article 10 of this Convention;

(f) "Executive Director" shall mean the Executive Director of the Commission appointed in accordance with Article 14 of this Convention;

(g) “Financial Committee” shall mean the Financial Committee of the Commission established in accordance with Article 8 of this Convention;

(h) “Major Contributor” shall mean any Member which, in any financial year, contributes the highest level of obligatory contributions to the budget of the Commission based on the criteria set out in Resolution (94) 31 of the Committee of Ministers of the Council of Europe of 4 November 1994;

(i) “Member” shall mean any State or Regional Integration Organisation that has become a Member of the Commission by becoming a Party to this Convention in accordance with Articles 28, 30, or 31 of this Convention;

(j) “Observer” shall mean any State, Regional Integration Organisation, or international organisation that has become an Observer of the Commission in accordance with Article 27(2) of this Convention;

(k) “Panel” shall mean a Panel of Commissioners established in accordance with Article 12 of this Convention;

(l) “Regional Integration Organisation" shall mean an organisation constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention;

(m) “Register of Damage Caused by the Aggression of the Russian Federation against Ukraine” or “Register” shall mean the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine established through Resolution CM/Res(2023)3 of the Committee of Ministers of the Council of Europe of 12 May 2023, as confirmed by Resolution CM/Res(2025)3 of the Committee of Ministers of the Council of Europe of 9 July 2025;

(n) “Rules and Regulations” shall mean the rules and regulations governing the work of the Commission adopted by the Council in accordance with subparagraph 2(c) of Article 10 of this Convention and approved by the Assembly in accordance with subparagraph 4(c) of Article 7 of this Convention;

(o) “Secretariat” shall mean the Secretariat of the Commission established in accordance with Article 13 of this Convention.

PART II – ESTABLISHMENT, MANDATE, AND FUNCTIONS OF THE INTERNATIONAL CLAIMS COMMISSION FOR UKRAINE

Article 2 – Establishment of the International Claims Commission for Ukraine

The International Claims Commission for Ukraine is hereby established as an independent body within the institutional framework of the Council of Europe.

Article 3 – Mandate and Functions of the Commission

1. The Commission shall be an administrative body that decides Claims for compensation of damage, loss, or injury caused by internationally wrongful acts committed by the Russian Federation in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations by the Russian Federation of international humanitarian law and international human rights law:

   (a) on or after 24 February 2022;

   (b) (i) in the territory of Ukraine within its internationally recognised borders, which includes its land, airspace, internal waters, and territorial sea;

   (ii) in the exclusive economic zone of Ukraine and on its continental shelf, in accordance with international law and, as applicable, national legislation of Ukraine; or

   (iii) to any aircraft or vessel under the jurisdiction of Ukraine; and

   (c) to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities and state-owned or controlled entities.

2. For the purposes of this Convention, the mandate of the Commission under paragraph 1 above shall mean that the Commission shall review, assess, and decide Claims and determine any amount of compensation due in each case.

3. The Commission shall address all administrative, financial, procedural, factual, legal, and policy issues as required to decide Claims and determine any amount of compensation due in each case.

4. The Commission shall work on the basis that the Russian Federation, under international law, is responsible for all damage, loss, or injury caused by its internationally wrongful acts in or against Ukraine in accordance with paragraph 1 above.

5. The decisions of the Commission, including on amounts of compensation determined and awarded in accordance with this Convention, shall be final. Decisions on amounts of compensation shall be reflective of a fair and just assessment and determination of the value of a Claim.

6. Decisions of the Commission shall, so far as the operation of the Commission is concerned, be considered by all Members of the Commission as finally resolving all factual and legal questions with respect to a Claim.

PART III – LEGAL STATUS AND SEAT

Article 4 – Legal Personality

1. The Commission shall possess international legal personality.

2. Accordingly, the Commission shall enjoy such legal capacity as is necessary for the exercise of its functions, fulfilment of its mandate, and the protection of its interests, in particular the capacity to enter into agreements, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

Article 5 – Seat

1. The Commission shall have its seat in the territory of one of the Parties to this Convention.

2. The status and operation of the Commission in the host State shall be regulated by a host State agreement concluded between the host State and the Commission.

3. The Commission shall have an office in Ukraine for the purpose of assisting the Assembly, the Council, and the Panels in their functions.

4. The Commission shall enter into arrangements and/or agreements with Ukraine that shall regulate the status and operation of the office of the Commission in Ukraine.

5. The Assembly may decide to establish offices of the Commission in any other State subject to the consent of such State.

Article 6 – Privileges and Immunities

1. The Commission, including its office in Ukraine and any offices in other States, shall enjoy in the territory of each State that is a Member such privileges and immunities as are necessary for the exercise of its functions and the fulfilment of its mandate.

2. States that are Members shall, in their territory, apply the rules set out in the General Agreement on Privileges and Immunities of the Council of Europe with respect to the Commission, its offices, the Executive Director, other members of the Secretariat, and experts engaged by the Commission, in particular:

   (a) Articles 3 to 7 of the General Agreement on Privileges and Immunities of the Council of Europe, with respect to the Commission, including its offices, property, and assets;

   (b) Article 18 of the General Agreement on Privileges and Immunities of the Council of Europe, with respect to the Executive Director and other members of the Secretariat;

   (c) Article 18(a) and (e) of the General Agreement on Privileges and Immunities of the Council of Europe with respect to the experts engaged by the Commission.

3. States that are Members shall, in their territory, apply the same privileges and immunities as provided for under Article 16 of the General Agreement on Privileges and Immunities of the Council of Europe with respect to the Commissioners when engaged on the business of the Commission.

4. Representatives of Members in the organs of the Commission, the Commissioners, the Executive Director, other members of the Secretariat, and experts engaged by the Commission shall, in the territory of each State that is a Member, be accorded immunity from legal process of every kind in respect of words spoken or written and acts performed by them in their official capacity, and shall, after the expiry of their terms of office, continue to be accorded such immunity.

5. Any State that is a Member may, by means of a notification addressed to the Secretary General of the Council of Europe, declare that no immunity from legal process conferred on a person by means of paragraphs 2, 3, and 4 above shall apply in the case of an offence against the regulations on motor-vehicle traffic committed by such a person, or in a case of damage caused by a motor-vehicle belonging to or driven by such a person.

6. The privileges and immunities of:

   (a) the Commissioners may be waived by the Assembly;

   (b) the Executive Director, other members of the Secretariat, and experts engaged by the Commission may be waived by the Secretary General of the Council of Europe.

7. The immunity under subparagraph 2(a) above may be waived by the Assembly. Such waiver of immunity shall not extend to any measure of execution in, or confiscation of, property of the Commission, including its digital platform and all data about Claims and evidence, for which a separate waiver by the Assembly shall be necessary.

8. In the event of denunciation by any Member or termination of this Convention, Members shall continue to grant the immunities referred to in this article.

PART IV – ORGANISATIONAL STRUCTURE

Article 7 – Assembly

1. The Assembly shall be composed of all Members of the Commission.

2. The Assembly shall meet at the seat of the Commission unless the Assembly decides otherwise. The first meeting of the Assembly shall be convened by the depositary of this Convention within one year after its entry into force.

3. The Assembly shall elect a Chair and two Vice Chairs for a period of three years. The Chair of the Assembly, or, in the absence of the Chair, one of the Vice Chairs, shall conduct the proceedings of the Assembly and perform other duties in accordance with the rules of procedure adopted by the Assembly.

4. The Assembly shall:

   (a) have overall responsibility for the fulfilment of the mandate of the Commission and oversee the work of the bodies of the Commission;

   (b) recommend to Members, the bodies of the Commission, as well as subsidiary organs as referred to in subparagraph (i) below, measures to advance the aims of the Commission;

(c) approve rules and regulations governing the work of the Commission adopted by the Council in accordance with subparagraph 2(c) of Article 10 of this Convention;

(d) elect members of the Council in accordance with Article 10 of this Convention;

(e) approve the roster of candidates to serve as Commissioners and update such a roster at least annually;

(f) at its first meeting, and subsequently as needed, elect the Executive Director of the Commission for appointment by the Secretary General of the Council of Europe;

(g) authorise the Executive Director to execute the transfer of the Register to the Commission pursuant to Articles 24 and 25 of this Convention at a time the Assembly deems appropriate, taking into consideration the consequences for the annual assessed contributions of Members;

(h) upon the recommendation of the Council, authorise the Council to establish Panels and appoint the required Commissioners at a time the Assembly deems appropriate, taking into consideration the consequences for the annual assessed contributions of Members;

(i) upon the recommendation of the Council and/or the Executive Director, establish any subsidiary organs necessary for the exercise of the functions of the Commission;

(j) adopt the annual scale of contributions;

(k) adopt the annual budget of the Commission;

(l) adopt the annual financial report of the Commission;

(m) adopt the annual activity report of the Commission; and

(n) perform any other function vested in it by this Convention and any other function necessary for the fulfilment of the mandate of the Commission that is not vested by this Convention in the Council, the Panels of Commissioners, the Executive Director, or the Secretariat. The Assembly may delegate some or all of these other functions to the Council.

5. The Assembly shall meet as often as is necessary, but at least once a year. The Assembly shall convene when it so decides, when requested by the Council, or when requested by any Member if such a request is supported by one-third of the Members. The Chair shall have the right to convene extraordinary meetings of the Assembly in the event of an urgent need. Subject to paragraph 6 below, the presence of a majority of all Members is required for any decision-making of the Assembly.

6. The Assembly may exercise its decision-making through written procedure and by electronic means as determined in the rules of procedure of the Assembly.

7. The Assembly may establish advisory committees to assist with its work in specific areas of relevance to the Assembly or the Commission as a whole.

8. The Assembly shall adopt its own rules of procedure and any other rules or arrangements required for the implementation of its functions.

9. The Secretariat shall serve as the secretariat of the Assembly.

Article 8 – Financial Committee

1. The Assembly shall establish the Financial Committee as a subsidiary organ of the Assembly. The Financial Committee shall:

   (a) determine the annual assessed contributions of Members in accordance with Article 23(3) of this Convention;

   (b) provide advice to the Secretariat in the preparation of the budget of the Commission;

   (c) review the draft budget of the Commission for the following year, as prepared by the Secretariat, and report to the Assembly;

   (d) review and authorise the acceptance of contributions from entities other than Members and Observers in accordance with Article 23(4) of this Convention;

   (e) provide recommendations to the Assembly relating to other relevant financial matters; and

   (f) perform any other tasks related to financial matters assigned to it by the Assembly.

2. The Financial Committee shall be comprised of representatives of:

(a) all Members that are the Major Contributors to the budget of the Commission;

(b) other Members and Observers that contribute to the budget of the Commission an amount at least equal to the obligatory contributions of the Major Contributors during the financial year for which they made such a contribution;

(c) other Members elected by the Assembly.

3. The Assembly shall determine the number of Members and of Observers under subparagraphs 2(b) and 2(c) above. The Assembly shall review such numbers annually. The number of Observers shall not be higher than the number of Members.

4. In the event that the Commission receives sufficient funds wholly from sources other than assessed contributions to meet its budgetary needs, the Financial Committee shall only be comprised of representatives of Members elected by the Assembly.

5. The Financial Committee shall endeavour to adopt its decisions by consensus. Unless otherwise provided in this Convention, where efforts to achieve consensus have been exhausted, the Financial Committee shall adopt decisions by a two-thirds majority of the votes cast, with each member of the Financial Committee having one vote. The presence of a majority of members of the Financial Committee is required for any decision-making of the Financial Committee.

6. Decisions on procedural matters shall be adopted by a majority of the votes cast. If there is a doubt or uncertainty as to whether the matter is procedural, the decision shall be adopted in accordance with paragraph 5 above.

7. The Financial Committee shall meet as necessary and report to the Assembly. The Financial Committee may invite Members, Observers, and other States and entities that have supported the Commission financially over the relevant reporting period to be present during the meetings of the Financial Committee.

8. The Secretariat shall provide the necessary administrative support to the Financial Committee.

Article 9 – Voting in the Assembly

1. Unless a different threshold is specifically required by this Convention, the Assembly shall adopt its decisions by a two-thirds majority of the votes cast.

2. Decisions under subparagraphs 4(g) and 4(h) of Article 7 of this Convention shall be adopted by a two-thirds majority of the votes cast, including the affirmative votes of all Major Contributors.

3. Decisions on procedural matters shall be adopted by a majority of the votes cast. If there is a doubt or uncertainty as to whether the matter is procedural, the decision shall be adopted in accordance with paragraph 1 above.

4. Each Member shall have one vote in the Assembly.

Article 10 – Council

1. The composition of the Council shall be determined as follows:

(a) The Council shall be composed of a minimum of nine and a maximum of fifteen Members. Unless the Assembly decides otherwise, members of the Council shall serve for a period of three years on a rotational basis. The Assembly shall determine the composition of the Council from a list of Members that have expressed an interest in serving on the Council, in the order in which they became a Member.

(b) The Assembly shall determine the initial nine Members that comprise the Council at its first meeting or as soon as possible thereafter.

(c) The Assembly shall determine three additional members of the Council at the meeting following the deposit of the thirtieth instrument of ratification, acceptance, or approval of this Convention or accession to this Convention, and three additional members following the deposit of the fortieth such instrument.

(d) When Ukraine and/or the Russian Federation are members of the Council in accordance with the rules of subparagraph (a) above, they shall abstain from voting under subparagraphs 2(b), 2(c)(ii) to (v), and 2(d) below. When Ukraine and/or the Russian Federation are Members, but not members of the Council, they shall be invited to participate in the meetings of the Council with the right to present their position, but without the right to vote.

(e) The Assembly shall adopt the rules governing the rotation of membership in the Council in accordance with the provisions of this article, including ensuring continuity when the membership rotates.

2. The Council shall, without prejudice to Article 7 of this Convention:

(a) have responsibility for the exercise of the mandate of the Commission;

(b) appoint the Commissioners from the roster of candidates approved by the Assembly in accordance with subparagraph 4(e) of Article 7 of this Convention and establish Panels in accordance with Article 12 of this Convention;

(c) adopt the rules and regulations governing the work of the Commission, to be subsequently approved by the Assembly, including as regards the determination of:

i. rules and procedures for appointment of Commissioners to and their removal from Panels;

ii. rules and procedures for the submission, review, assessment, and decision of Claims, and for the determination of the amount of compensation due in each case;

iii. standards and requirements for evidence;

iv. rules for evaluation of damage, loss, or injury;

v. standards and approaches to compensation;

vi. procedures for resolving disputed issues;

vii. the order of priority for the review, assessment, and decision of Claims;

viii. the rules and procedures required for continuation of the work of the Register within the framework of the Commission; and

ix. other matters within the competence of the Council;

(d) have the authority to adopt or remit the recommendations of Panels for decisions with respect to amounts of compensation due for Claims considered by Panels, as well as with respect to the legal and factual basis of the recommendations, subject to Articles 17 and 18 of this Convention; and

(e) perform any other function delegated to it by the Assembly.

3. The Council shall meet regularly in order to consider the recommendations of Panels for decisions with respect to considered Claims and to make any other decisions necessary to perform its functions. The Secretariat may participate in the meetings of the Council in an advisory capacity.

4. The Council shall endeavour to adopt its decisions by consensus. Unless otherwise provided in this Convention, where efforts to achieve consensus have been exhausted, the Council shall adopt decisions by a two-thirds majority of the votes cast, with each member of the Council having one vote. Subject to paragraph 5 below, the presence of a majority of members of the Council is required for any decision-making of the Council.

5. The Council may exercise its decision-making through written procedure and by electronic means as determined in its rules of procedure.

6. Decisions on procedural matters shall be adopted by a majority of the votes cast. If there is a doubt or uncertainty as to whether the matter is procedural, the decision shall be adopted in accordance with paragraph 4 above.

7. The Council shall adopt its own rules of procedure and any other arrangements required for the implementation of its functions. The Council shall elect a Chair and one or two Vice Chairs from among its members for terms of office of one year with the possibility of re-election.

8. The Council shall provide reports to the Assembly twice a year. Such reports shall include the number of Claims considered by the Council and the total amount of compensation awarded in each category, as well as a summary of any other significant factual or legal matters relevant to the work of the Commission.

Article 11 – Commissioners

1. The appointment of Commissioners shall take place on an inclusive basis, bearing in mind the need for independence, impartiality, integrity, high moral character, experience, professional multidisciplinary expertise, broad geographical representation, and gender balance. The Commissioners shall be experts in fields such as international law, dispute resolution, finance, accountancy, insurance, or damage assessment. The Council may establish additional requirements for the appointment of Commissioners to address specific needs of the Panels.

2. Candidates for Commissioners may be nominated by Members. Candidates can also apply directly to serve as Commissioners. The Secretariat shall organise the process of nomination and application, screen the candidates, and create the roster of eligible candidates to serve as Commissioners.

3. The Secretariat shall submit the roster of candidates to the Assembly for approval. The Secretariat shall submit an updated roster to the Assembly for its approval annually, or as requested by the Assembly or the Council.

4. Candidates cannot be disqualified solely on the basis of their nationality.

5. The terms of engagement of Commissioners, including their remuneration, shall be determined by the Council.

6. Commissioners shall sit in their individual capacity and be available to carry out their duties in an effective manner.

Article 12 – Panels

1. Panels shall be established by the Council to review and assess Claims and to determine any amount of compensation due in each case. They shall make recommendations for decisions to the Council for adoption.

2. The Council, upon recommendation of the Secretariat, and bearing in mind considerations of efficiency, flexibility, and workload, shall determine the number of Panels to be established as well as the mandate of each Panel.

3. Each Panel shall be composed of three Commissioners appointed to that Panel by the Council.

4. The Commissioners of each Panel shall, by consensus, designate from among themselves the Chair of that Panel. Should they be unable to reach consensus, the Council shall designate the Chair.

Article 13 – Secretariat

1. The Commission shall have a Secretariat headed by an Executive Director.

2. The Secretariat shall, under the authority of the Executive Director, provide substantive, technical, and administrative support for the maintenance and functioning of the Commission.

3. The Secretariat shall possess or procure the necessary expertise for the performance of its functions, including sufficient expertise in relevant domestic law and proficiency in relevant languages.

4. The Council of Europe Staff Regulations and Staff Rules shall apply to the Secretariat. Nationals of all member States of the Council of Europe and nationals of all Members shall be eligible for appointment as staff members of the Commission. The Assembly may further derogate from applicable Council of Europe rules and regulations, including regarding the nationality of staff, if doing so advances the exercise of the functions of the Commission. Such approved derogations shall be communicated to the Committee of Ministers and the Secretary General of the Council of Europe.

Article 14 – Executive Director

1. The Executive Director shall represent the Commission and is entitled to act on its behalf.

2. The Executive Director shall be entitled to conclude contracts, agreements, and arrangements on behalf of the Commission. Any international agreements shall be concluded by the Executive Director on behalf of the Commission following prior approval by the Assembly. Any arrangements with national or international bodies providing for any exchange of information on Claims or evidence shall be concluded by the Executive Director on behalf of the Commission following prior approval by the Council.

3. The Secretary General of the Council of Europe shall delegate to the Executive Director such powers as are necessary for the exercise of the duties of the Executive Director with respect to the Secretariat.

4. The Executive Director shall:

(a) have day-to-day responsibility for overseeing and administering the work of the Secretariat;

(b) ensure substantive, technical, administrative, and organisational support for the work of the Assembly, the Council, and the Panels, including regular liaison and preparation of their meetings;

(c) be responsible for forwarding Claims to the Panels for consideration and forwarding recommendations of the Panels to the Council;

(d) liaise with relevant national and international bodies on various issues related to the work of the Commission, including on issues concerning Claims and evidence; and

(e) perform any other function vested in the Executive Director by this Convention or delegated by the Assembly and/or the Council.

5. The Executive Director shall be elected by the Assembly. Upon election by the Assembly, the Executive Director shall be appointed by the Secretary General of the Council of Europe and shall be expected to serve a renewable term of four years.

6. Members are invited to nominate candidates for the position, bearing in mind the nature of Claims before the Commission.

7. Candidates should be individuals of integrity, high moral character, appropriate experience, and professional qualifications for the role.

Article 15 – Independence

1. The Commissioners, as well as the Executive Director and the other members of the Secretariat, shall be independent in the performance of their duties.

2. In the performance of their duties, the Commissioners, as well as the Executive Director and the other members of the Secretariat, shall not seek or accept instructions from any government or from any other authority or entity external to the Commission. They shall refrain from any action which might reflect negatively on their position as international officials responsible only to the Commission.

3. Each Member, as well as the Council of Europe and its bodies, undertakes to respect the exclusively independent character of the responsibilities of the Commissioners, as well as of the Executive Director and the other members of the Secretariat, and not to seek to influence them in the discharge of their duties.

4. The Commissioners, as well as the Executive Director and the other members of the Secretariat, shall have no personal or financial interest in any matter before the Commission. Any conflict of interest shall be disclosed and dealt with in accordance with the rules of the Commission.

5. Rules on conflicts of interest and disclosure for the Commissioners, as well as, as appropriate, for the Executive Director and the other members of the Secretariat, shall be adopted by the Council.

PART V – CLAIMS AND PROCEDURE

Article 16 – Examination of Claims by Panels

1. The Panels shall examine Claims, establish whether the Claims are substantiated, determine any amount of compensation due with respect to each Claim, and make recommendations for decisions to the Council for adoption in accordance with the applicable Rules and Regulations.

2. Panels may request the Secretariat to engage experts to assist them where specialised knowledge, expertise, or experience is required.

3. The examination of Claims shall take place on the basis of the Rules and Regulations. Panels shall determine their own working methods.

4. The Secretariat shall provide administrative, technical, legal, and other assistance to the Panels in the performance of their functions but shall not be involved in the ultimate decision-making of the Panels.

Article 17 – Decision-making of the Panels

1. The Panels shall endeavour to adopt their recommendations by consensus. Where efforts to achieve consensus have been exhausted, recommendations for decisions shall be adopted by a majority of the Commissioners on the Panel. The Secretariat shall record whether decisions of the Panels were taken by consensus or by a majority and the outcome of any voting.

2. The recommendations for decisions of the Panels shall be reasoned.

Article 18 – Decision-making on Recommendations of Panels

1. The Council shall consider the recommendations of the Panels with respect to Claims as soon as possible after such recommendations are forwarded to the Council. In its assessment of the recommendations, the Council shall follow the grouping of Claims, if any, used by the Panels.

2. Upon full consideration by the Council, a recommendation shall be deemed approved by the Council unless the Council decides, on grounds stipulated by the Rules and Regulations, to remit the recommendation to the Panel, providing the reasons for its decision together with any further guidance, which shall form an integral part of the decision of the Council.

3. The Panel shall consider the guidance of the Council and make a new recommendation as appropriate.

4. In the exceptional situations provided for in the Rules and Regulations, the Council may refer a recommendation of a Panel to an ad hoc review panel established by the Council for that purpose.

5. The ad hoc review panel shall be comprised of three Chairs of Panels. Articles 16 and 17 of this Convention shall apply to ad hoc review panels and their work.

6. Upon full consideration by the Council, the recommendation of the ad hoc review panel shall be deemed approved by the Council unless the Council refers the matter to the Assembly, which shall finally decide the matter in the Council's stead.

7. A recommendation approved in accordance with this article shall become the final decision of the Commission with respect to any Claim in question, and shall not be subject to further appeal or review.

8. A record of decision-making of the Assembly, the Council, and any ad hoc review panel shall be maintained by the Secretariat.

Article 19 – Judgments or Awards by Courts or Tribunals and other Adjudicative Bodies

1. In their decision making, the Panels and the Council shall take into account, as appropriate, relevant judgments or awards by courts or tribunals and other adjudicative bodies established under international law.

2. The Panels and the Council may also take into account relevant judgments or awards by any national courts and tribunals.

3. The Commission, through its bodies, shall take appropriate measures to ensure that no claimant receives double compensation for the same damage, loss, or injury. Members shall endeavour to support the Commission in this regard, in particular through the exchange of information with the Commission, as appropriate.

Article 20 – Standards and Safeguards

1. The Commission, including its Council, Panels, and Secretariat, shall operate according to the highest standards of independence, impartiality, fairness, and objectivity.

2. The Commission shall operate in a transparent manner, regularly inform the public about its activities, and duly protect personal data. The rules on transparency, including the rules for the publication of the decisions of the Commission, shall be adopted by the Council.

3. The Council shall adopt rules on the protection of personal data and confidentiality.

4. All proceedings of the Commission shall be conducted ensuring appropriate procedural safeguards.

Article 21 – Funding of Compensation Awarded and Enforcement

1. Members recognise that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts. It is therefore expected that the Russian Federation shall fund the compensation determined and awarded by the Commission under this Convention.

2. Members, with the exception of the Russian Federation, shall not be required to fund the compensation determined and awarded by the Commission.

3. Decisions of the Commission cannot be enforced through courts or other judicial or quasi-judicial institutions within the national jurisdictions of the Members unless expressly permitted by a relevant Member under the national law of that Member.

Article 22 – Mechanics for Payment of Compensation Awarded

The Assembly may consider the mechanics for the payment of compensation awarded after funding has become available, including payment from any compensation fund that may be established or designated for this purpose at a point the Assembly agrees appropriate.

PART VI – FINANCING Of THE COMMISSION

Article 23 – Financing and Budget

1. Upon the Russian Federation becoming a Member, it shall bear the costs of the Commission from the entry into force of this Convention.

2. Until the Russian Federation bears the costs of the Commission, the Commission shall be financed through the annual assessed contributions of Members and voluntary contributions. Such contributions shall be made without prejudice to the possibility of recovery from the Russian Federation.

3. The annual assessed contributions of Members shall be determined by the Financial Committee, based on the criteria for the determination of the annual scale of contributions for the general budget of the Council of Europe and can be adjusted by the Assembly in accordance with the principles on which that scale is based.

4. The Commission may receive and utilise voluntary contributions connected to its work, including contributions in kind. These contributions shall be consistent with the mandate and functions of the Commission. Contributions from entities other than Members and Observers are subject to the prior authorisation of the Financial Committee.

5. The Commission shall have its own budget within the framework of the Council of Europe. The Assembly shall adopt every year the budget of the Commission for the following year, prepared by the Secretariat and reviewed by the Financial Committee.

6. Subject to the provisions of this Convention, the Financial Regulations of the Council of Europe shall apply.

7. The Assembly may suspend the rights of a Member where it considers that the Member has failed to fulfil its financial obligations under this Convention.

PART VII – REGISTER OF DAMAGE CAUSED BY THE AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE

Article 24 – Transfer of the Work of the Register

1. As soon as possible after the establishment of the Commission and the appointment of its Executive Director, the Executive Director shall engage with the Register and/or the Council of Europe to make preparations for the transfer of the work of the Register, as appropriate, to the Commission in a way that will ensure the uninterrupted operation of the Register until its termination, and that will place information on Claims and evidence held by the Register at the disposal of the Commission. Such transfer shall include the digital platform of the Register, including all information about Claims and evidence contained therein, other documentation, its archives, its movable and immovable property, including, but not limited to, bank accounts, information technology equipment, software and any licences thereto, contracts, and arrangements of the Register, as well as any associated data, in such a way that the Commission becomes the legal successor of the Register.

2. The Assembly, the Council, and the Members shall assist the Executive Director as necessary and appropriate in preparation for the transfer of the work of the Register to the Commission.

3. Following the decision of the Assembly under subparagraph 4(g) of Article 7 of this Convention, the Executive Director shall execute the transfer of the work of the Register to the Commission, and shall certify to the Assembly when such transfer is completed and the Commission can commence its work on the Claims.

Article 25 – Continuation of the Work of the Register within the Framework of the Commission

1. The functions of the Register, including the organisation of the submission of Claims, shall continue as part of the Commission.

2. The Council, upon the proposal of the Executive Director, shall adopt relevant rules and procedures to that effect.

PART VIII – FINAL CLAUSES

Article 26 – Dispute Settlement

In the event of a dispute between Members as to the interpretation or application of this Convention, these Members shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including through the Assembly, which shall facilitate the friendly settlement of such disputes.

Article 27 – Membership and Observer Status

1. Subject to Article 28 of this Convention, any State, the European Union, and any other Regional Integration Organisation may become a Member of the Commission by becoming a Party to this Convention in accordance with the procedures set out in this Convention.

2. The Assembly may invite any State, Regional Integration Organisation, or international organisation to become an Observer of the Commission in accordance with the terms established by the Assembly. Any State, Regional Integration Organisation, or international organisation may request to be invited to become an Observer.

3. Without prejudice to Article 7 of this Convention, Observers may participate in the meetings of the Assembly without the right to vote and make oral or written statements in the meetings of the Assembly.

4. Observers having made voluntary contributions to the budget of the Commission of an amount at least equal to the amount determined by the Assembly in accordance with subparagraph 4(j) of Article 7 of this Convention, shall have the right to participate in the adoption of the annual budget of the Commission, the annual financial report of the Commission, and the annual activity report of the Commission in accordance with subparagraphs 4(k) to (m) of Article 7 of this Convention with the right to vote in the Assembly during the financial year for which they made such a contribution.

5. Any Member acting in a manner inconsistent with the mandate of the Commission or impeding its functions may be suspended from its rights and requested by the Assembly to withdraw in accordance with Article 35 of this Convention. If such Member does not comply with this request, the Assembly may decide that such Member has ceased to be a Member as from such date as the Assembly may determine.

6. Any Observer acting in a manner inconsistent with the mandate of the Commission or impeding its functions may have its observer status suspended or revoked by the Assembly, in accordance with procedures established by the Assembly.

Article 28 – Membership of the Russian Federation and Participation in the Work of the Bodies of the Commission

1. The Russian Federation may become a Member of the Commission at any time by expression of its consent to be bound by this Convention in accordance with Article 31 of this Convention, and on the condition of making a declaration to be attached to an instrument of accession to this Convention that:

   (a) it accepts its responsibility under international law for damage, loss, and injury caused by its internationally wrongful acts in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as its violations of international humanitarian law and international human rights law:

      i. in the territory of Ukraine within its internationally recognised borders, which includes its land, airspace, internal waters, and territorial sea;

      ii. in the exclusive economic zone of Ukraine and on its continental shelf, in accordance with international law and, as applicable, national legislation of Ukraine;

      iii. to any aircraft or vessel under the jurisdiction of Ukraine;

iv. to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities and state-owned or controlled entities;

(b) it agrees to honour the decisions of the Commission on compensation and to provide the necessary means for the payment of compensation awarded or some other amount agreed to by Ukraine; and

(c) it agrees to reimburse Members and, where applicable, Observers for their contributions to the costs of the Commission.

2. The Assembly shall satisfy itself that the declaration by the Russian Federation attached to its instrument of accession meets the conditions in paragraph 1 above.

3. The Council shall, as soon as the Russian Federation expresses an interest in becoming a Member of the Commission, adopt further rules governing the participation of the Russian Federation in the work of the Commission. These rules shall be approved by the Assembly by consensus.

4. The Russian Federation may request to be invited to become an Observer of the Commission at any time in accordance with Article 27 of this Convention.

Article 29 – Depositary

The Secretary General of the Council of Europe shall be the depositary of this Convention.

Article 30 – Signature, Ratification, Acceptance, Approval, and Entry into Force

1. This Convention shall be open for signature by all member States of the Council of Europe, any other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, and any other States that voted in favour of United Nations General Assembly Resolution ES-11/5 of 14 November 2022, entitled "Furtherance of remedy and reparation for aggression against Ukraine".

2. This Convention is subject to ratification, acceptance, or approval. Instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which both of the following conditions are met:

   (a) twenty-five signatories have expressed their consent to be bound by this Convention in accordance with the provisions of paragraph 2 above; and

   (b) the aggregate individual contributions of these signatories to the budget of the Register for 2025[1] constitute at least 50% of the total of the budget of the Register for 2025.

[1] In accordance with the adjusted budget 2025 (document RD4U-COP(2024)16, p. 6, Table 7), as adopted by the Conference of Participants of the Register on 11 October 2024 (document RD4U-COP(2024)18, p. 3), 50% of the total budget of the Register for 2025 equals €3 692 150. For signatories that have not made a contribution to the budget of the Register for 2025, the amount that would have been their assessed contribution to the budget of the Register had they been a Participant of the Register shall be used for the purposes of calculation of aggregate individual contributions under this subparagraph (b).

4. Subject to Article 28 of this Convention, in respect of any signatory referred to in paragraph 1 above that subsequently expresses its consent to be bound by it, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance, or approval.

Article 31 – Accession

1. After the entry into force of this Convention, the Parties to this Convention, through the Assembly, may invite to accede to this Convention any State or Regional Integration Organisation that did not participate in the Diplomatic Conference for the adoption of this Convention and did not vote in favour of United Nations General Assembly resolution ES-11/5 of 14 November 2022, entitled "Furtherance of remedy and reparation for aggression against Ukraine".

2. Notwithstanding paragraph 1 above, and in accordance with Article 28 of this Convention, the Russian Federation may accede to this Convention at any time.

3. In respect of any acceding State or Regional Integration Organisation, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 32 – Territorial Application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval, or accession, specify the territory or territories of that State to which this Convention shall apply.

2. Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory of that State specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General of the Council of Europe.

3. Any declaration made under paragraphs 1 and 2 above may, in respect of any territory specified in any such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General of the Council of Europe.

Article 33 – Amendments

1. Amendments to this Convention may be proposed by any Member.

2. Proposals for the amendment of this Convention may include a proposal to expand the temporal scope of this Convention to include Claims for compensation for damage, loss, or injury caused by the internationally wrongful acts committed by the Russian Federation in or against Ukraine on or after 20 February 2014.

3. Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the Members. The Secretary General of the Council of Europe shall inform the Assembly thereof.

4. The Assembly shall consider and may adopt the proposed amendment.

5. The text of any amendment adopted by the Assembly shall be forwarded by the Secretary General of the Council of Europe to the Members for ratification, acceptance, or approval.

6. Any amendment adopted in accordance with this article shall enter into force on the thirtieth day following the date on which all Members have informed the Secretary General of the Council of Europe that they have ratified, accepted, or approved it.

Article 34 – Reservations

No reservation may be made in respect of the provisions of this Convention.

Article 35 – Denunciation

1. At any time after the date on which this Convention has entered into force in accordance with Article 30 of this Convention, any Member may denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of receipt of the notification by the Secretary General of the Council of Europe. In case of a denunciation by the Russian Federation, the expiration period shall be ten years or until the termination of this Convention in accordance with Article 36 of this Convention.

3. No denunciation under this article shall have any retroactive effect on the commitments and obligations under this Convention during the time of the membership of the denouncing Member.

Article 36 – Duration and Termination

1. Without prejudice to paragraph 4 below, this Convention shall remain in force for a minimum period of ten years from its entry into force.

2. It shall remain in force thereafter for successive periods of up to five years if the Assembly, by a majority of at least three-quarters of all Members, by a decision taken within a year before the end of the then-current period, decides that it should remain in force.

3. At any time after the tenth anniversary of this Convention coming into force, the Assembly may, by a majority of at least three-quarters of all Members, terminate this Convention and dissolve the Commission.

4. This Convention shall be terminated by the Assembly if:

   (a) as a result of denunciations made in accordance with Article 35 of this Convention, the number of Parties to this Convention falls below the threshold specified in subparagraph 3(a) of Article 30 of this Convention; or

   (b) there are insufficient funds to finance the anticipated expenses of the following twelve months of the operations of the Commission and the Commission is unable to secure alternative means of financing the Commission.

5. Termination under subparagraph 4(a) above shall be effective twelve months from the date of receipt by the Secretary General of the Council of Europe of the notification of denunciation which triggers this event, unless within three months of the date when the number of Parties to this Convention falls below the threshold specified in subparagraph 3(a) of Article 30 of this Convention, the Assembly by consensus decides that this Convention should remain in force and that the Commission should continue for a specified period.

6. Termination under subparagraph 4(b) above shall be effective as soon as possible after the date of the decision of the Assembly to terminate it.

7. In the event of the termination of this Convention and the dissolution of the Commission, the Assembly shall ensure the subsequent preservation of all information about the Claims and evidence received by the Commission, its decisions, and other documentation, including its archives.

8. Prior to the termination of this Convention and the dissolution of the Commission pursuant to this article, the Assembly shall adopt any necessary transitional arrangements.

Article 37 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, any signatory, any Party, and any other State or Regional Integration Organisation that has been invited to accede to this Convention, of:

(a) any signature;

(b) the deposit of any instrument of ratification, acceptance, approval, or accession;

(c) the date of entry into force of this Convention in accordance with Article 30 of this Convention;

(d) any amendment adopted in accordance with Article 33 of this Convention and the date on which such amendment enters into force;

(e) any declaration made in accordance with Article 6(5) of this Convention;

(f) any denunciation made in accordance with Article 35 of this Convention;

(g) any other act, declaration, notification, or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at [The Hague], this [16th] day of [December 2025], in English, French and Spanish, all texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, any other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, and to any State or Regional Integration Organisation invited to accede to this Convention.