



Council of the  
European Union

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#### NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in 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 judicial cooperation in criminal matters, asylum and non-refoulement - Presidency's compromised text

With a view to the FREMP meeting on 27 February 2024, delegations will find in the Annex to this Note a Presidency compromise on the draft Council decision about the position to be taken on the Union's behalf at the meeting of the Committee of the Parties of the Istanbul Convention, which will be held on 31 May 2024 on amendments to the Rules of Procedure of the above Committee, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement.

The changes compared to the previous document 5815/24 on the draft Decision are marked in **bold/underline** for additions and in ~~strike through~~ for deletions.

Proposal for a

**COUNCIL DECISION**

**on the position to be taken on behalf of the European Union in 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 judicial cooperation in criminal matters, asylum and non-refoulement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2), Article 84 and Article 78(2), 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 Council Decision (EU) 2023/1075<sup>1</sup>, with regard to institutions and public administration of the Union, and by Council Decision (EU) [2023/1076](#)<sup>2</sup>, 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 is ~~the a political~~ body of the monitoring mechanism of the Istanbul Convention. Pursuant to Article 67(3) of the Convention, the Committee of the Parties has drawn up its own Rules of Procedure. Those rules provide that each Party to the Convention has one vote. The accession of the Union to the Convention requires certain adjustments to those rules in order to determine the modalities for the Union exercising its voting rights as Party to the Convention.
- (3) In August 2023, the Secretariat of the Committee of the Parties proposed certain amendments to the Rules of Procedure to reflect the impact of the Union's accession on the

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<sup>1</sup> 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. 1–3.

<sup>2</sup> 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. 4–6.

functioning of the Committee and has asked State Parties 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 16<sup>th</sup> meeting of the Committee of the Parties on 31 May~~6 June~~ 2024.

- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Committee of the Parties, as the amendments to the Rules of Procedures will be binding on the Union.
- (5) According to the draft amendments proposed by the Secretariat of the Committee of the Parties, 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 ~~support~~ **propose alternative** ~~those~~ amendments to the Rules of Procedure **to better**, ~~subject to certain adjustments reflecting the scope of the Union's accession to the Istanbul Convention~~ **and protect the Union's interests while showing the Union's willingness to accommodate non-EU Member States concerns.**
- (6) As regards the general rule on voting in Rule 20 of the Rules of Procedure, the Secretariat of the Committee of the Parties 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 the present case. However, the wording of the clause should be adapted **to reflect the respective competences of the Union and the Member States.** ~~to the fact that the Union exercises its right to vote with a number of votes which will vary depending on the subject-matter of the vote.~~
- (7) As regards the general rule on voting in Rule 20 of the Rules of Procedure, the Secretariat of the Committee of the Parties also proposes to include a requirement of double majority meaning that a decision will only be adopted with a majority of two-thirds of the votes cast if it is supported by a simple majority of the votes cast by State Parties to the Convention which are not Member States of the Union. Such requirement would counterbalance the fact that the Union has a simple majority in the Committee of the Parties in terms of votes, thereby addressing possible concerns by third State Parties as to the weight of the Union's vote. The Union should ~~accept~~ **suggest to amend** the double majority requirement, **to** provided that it applies only where the Union participates in a vote **and is able to reach the two-thirds majority alone,** and **to adapt its** ~~the~~ **wording is adapted to reflect the respective competences of the Union and the Member States.** ~~the fact that the Union exercises its right to vote with a number of votes which will vary depending on the subject-matter of the vote.~~
- (8) As regards the specific rules for the election of members of the Group of Experts on Action against Violence Women and Domestic Violence ('GREVIO'), the Union should ~~accept~~ **propose further amendments 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 of the Parties proposes to apply a double majority requirement. **While these decisions are of an** ~~Taking into account the exceptional character, of such decisions,~~ the Union should ~~accept~~ **propose** ~~such requirement meaning that the two-thirds majority of the votes cast, as required for such decisions, should include a simple majority of the votes cast by representatives of Parties other than the Union and its Member States~~ **only when the Union and its Member States are able to reach the two-thirds majority alone.**

- (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 ~~accept~~ **propose that** the addition of a double majority requirement as proposed by the Secretariat of the Committee of the Parties **only applies when the Union and its Member States are able to reach the two-thirds majority alone**, subject to clarifying that the principle of non-additionality does not apply here.
- (10) As regards the Rule of Procedure listing the participants which are not members of the Committee of the Parties, the reference to the European Union should be deleted since it has become obsolete.
- (11) The position of the Union within the Committee of the Parties should therefore be based on the attached draft amendments to the Committee's Rules of Procedure.
- (12) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (13) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The position to be taken on the Union's behalf in the Committee of the Parties, established under Article 67 of the Convention, with regard to the adoption of amendments to the Rules of Procedure of the Committee of the Parties, which are to be discussed and adopted at one of the meetings of the Committee of the Parties in 2024, shall be based on the amendments to the Rules of Procedure as set out in the Annex.

#### *Article 2*

~~This Decision is addressed to the Commission.~~

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

Done at Brussels,

*For the Council*  
*The President*

