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**'I/A' ITEM NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	<ul style="list-style-type: none"><li>– Council Decision on the conclusion of the Istanbul Convention with regard to institutions and public administration of the Union</li><li>– Council Decision on the conclusion of the Istanbul Convention with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement</li></ul> <p>Adoption</p> <ul style="list-style-type: none"><li>– Code of conduct laying down the internal arrangements regarding the exercise of the rights and obligations of the European Union and Member States under the Istanbul Convention</li><li>– Declaration concerning the competence of the European Union regarding matters governed by the Istanbul Convention</li></ul> <p>Approval</p>

1. On 4 March 2016, the Commission presented to the Council two proposals for Council decisions: the first on the signing on behalf of the European Union of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)<sup>1</sup> and the second one<sup>2</sup>, on the conclusion, by the European Union of that Convention.

<sup>1</sup> 6695/16, 6695/16 ADD 1

<sup>2</sup> 6696/16, 6696/16 ADD 1

2. These proposals were examined in the Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP WP). The decision on signature was split in two in order to take into account of the variable geometry as regards the area of freedom, security and justice.
3. On 11 May 2017, the Council adopted the Council Decision (EU) 2017/865 of 11 May 2017 on the signing, 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<sup>3</sup> and the Council Decision (EU) 2017/866 of 11 May 2017 on the signing, 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 asylum and non-refoulement<sup>4</sup>. The signature of the Convention by the EU took place on 13 June 2017.
4. On 9 July 2019, the European Parliament made a request to the Court of Justice for an opinion pursuant to Article 218(11) TFEU. The discussions in the FREMP WP on the draft Council Decisions on the conclusion of the Istanbul Convention were suspended while the court proceedings were ongoing.
5. On 6 October 2021, the Court of Justice (Grand Chamber) rendered Opinion 1/19. The analysis of that Opinion is set out in the Council Legal Service Information Note to Coreper of 11 November 2021<sup>5</sup>.
6. The discussion then resumed in the FREMP WP, and on 20 July 2022 an agreement was reached on the text of the two draft Council Decisions on conclusion, as amended in light of Opinion 1/19.

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<sup>3</sup> OJ L 131, 20.5.2017, p. 11-12

<sup>4</sup> OJ L 131, 20.5.2017, p. 13-14

<sup>5</sup> Document 13800/21

7. In addition, the FREMP WP finalised the work on the Code of Conduct laying down the internal arrangements regarding the exercise of rights and obligations of the European Union and Member States under the Istanbul Convention. The text of the Code of Conduct, as revised by legal/linguistic experts, is set out in documents 8113/23 and 8113/23 COR 1.
8. This WP also agreed on the text of a declaration concerning the competence of the European Union with regard to matters governed by the Istanbul Convention. The text of this Declaration, as revised by the legal/linguistic experts, is set out in document 8114/23.
9. On 21 February 2023, the Council agreed in principle on the two draft Council Decisions on the conclusion by the EU of the Istanbul Convention and requested the consent of the European Parliament on the text of both decisions, as finalised by the legal/linguistic experts and set out in documents 5514/23 and 5514/23 COR 1 and document 5523/1/23 REV 1, in accordance with Article 218 paragraph 6, a), (v) of the Treaty on the Functioning of the European Union (TFEU).
10. On 10 May 2023, the European Parliament gave its consent on the two draft Council Decisions on the conclusion by the EU of the Istanbul Convention as finalised by the legal/linguistic experts and set out in documents 5514/23 and 5514/23 COR 1 and document 5523/1/23 REV 1.
11. In light of the above, the Permanent Representatives Committee is invited to recommend that the Council, as an 'A' item at a forthcoming meeting:
  - a) adopts the draft Council Decision on the conclusion by the EU of the Istanbul Convention with regard to institutions and public administration of the Union as finalised by the legal/linguistic experts and set out in documents 5514/23 and 5514/23 COR 1;
  - b) adopts the draft Council Decision on the conclusion by the EU of the Istanbul Convention with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement as finalised by the legal/linguistic experts and set out in document 5523/1/23 REV 1;

- c) approves the text of the Code of Conduct as finalised by the legal/linguistic experts and set out in documents 8113/23 and 8113/23 COR 1;
- d) approves the text of the declaration concerning the competence of the European Union with regard to matters governed by the Istanbul Convention as revised by the legal/linguistic experts and set out in document 8114/23, and
- e) decides that the abovementioned Code of Conduct and declaration shall be published in the Official Journal of the European Union in accordance with Article 17(4) of the Council's Rules of Procedure.

The Council Decisions will be published in the Official Journal of the European Union pursuant to Article 297(2) TFEU. The European Parliament will be informed in accordance with Article 218(10) TFEU and the Council Decisions, the declaration concerning the competence of the European Union with regard to matters governed by the Istanbul Convention and the Code of Conduct will be transmitted to the European Parliament.

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