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# **GROUP OF PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM [CETS No. 196]**

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## **RULES OF PROCEDURE OF THE GROUP OF PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM [CETS No. 196]**

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Secretariat of the Counter-Terrorism Division  
Information Society and Action against Crime Directorate, DG I

## **RULES OF PROCEDURE OF THE GROUP OF PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM [CETS No. 196]**

The Group of Parties,

Having regard to Article 30 of the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] (hereinafter “the Convention”);

Recalling the outcome of the first Consultation of the Parties to the Council of Europe Convention on the Prevention of Terrorism [CETS No. 196] (Madrid, Spain, 12 May 2009) and subsequent decision of the Ministers’ Deputies on 1 July 2009, by which the Council of Europe Committee of Experts on Terrorism (CODEXTER) has been instructed to “*regularly monitor the effective use and implementation of the Convention on the Prevention of Terrorism [CETS No. 196] between Consultations of the Parties to the Council of Europe Convention on the Prevention of Terrorism*”;

Pursuant to the adoption at the 18<sup>th</sup> meeting of the CODEXTER (7-8 April 2010) of the monitoring mechanism of the Convention and the establishment of the Group of Parties as a first stage of the monitoring mechanism (hereinafter “the Group”);

Recalling subsequent decision of the Ministers’ Deputies on 7 July 2010 taking note of the monitoring mechanism adopted at the 18<sup>th</sup> meeting of the CODEXTER (7-8 April 2010)<sup>1</sup>;

Adopts the present Rules of Procedure:

### **Rule 1 – Functions**

#### Monitoring of the Convention

1. As the first stage of the monitoring mechanism, the Group carries out monitoring work which is specific to the Parties to the Convention.
2. For this purpose, the Group proceeds with a transversal monitoring, i.e. based on the themes of the Convention.
3. The Group will evaluate the implementation of the Convention through “self-assessment” contributions submitted by Parties on a regular basis.
4. The Group shall evaluate the implementation of the Convention by the Parties following the procedure described in Rule 10.

#### Adoption of the Thematic Assessment Report

5. The Group adopts a “Thematic Assessment Report” on Convention provision(s) containing conclusions on the achievements made by the Parties on the implementation of the Convention provision(s) as well as on difficulties faced by Parties for such implementation.
6. The Thematic Assessment Report could also contain, where appropriate, specific recommendations designed to assist the Parties to overcome identified difficulties to fully implement the Convention.

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<sup>1</sup> As it appears in document CM(2010)78, Appendix II

### Correlation with the CODEXTER

7. The CODEXTER provides assistance and support to the Group of Parties in the implementation of conclusions and recommendations adopted by the Group of Parties.

8. The Group regularly transmits to the CODEXTER – the second stage of the monitoring mechanism – a summary of the Thematic Assessment Report containing the main outcome of the evaluation, without referring explicitly to specific Parties.

### **Rule 2 – Composition**

1. Members of the Group shall be representatives of the Parties<sup>2</sup> to the Convention<sup>3</sup>.

2. Parties to the Convention shall nominate – as representatives to the Group - experts with an extensive knowledge in the area of the fight against terrorism, as well as knowledge of the Council of Europe Convention on the Prevention of Terrorism.

3. Each member of the Group may be accompanied by other national representatives.

### **Rule 3 – Chair and Vice-Chair**

1. The Group shall elect a Chair and a Vice-Chair from among its members.

2. The term of office of the Chair and Vice-Chair shall be one year. It may be renewed once.

3. Election of the Chair and Vice-Chair shall require a two-thirds majority at the first ballot and a simple majority at the second ballot.

4. The elections are held by secret ballot, unless the Group decides otherwise by unanimity.

5. The Chair shall conduct proceedings and sum up the conclusions whenever she/he thinks necessary. She/he may call to order a speaker who departs from the subject under discussion or from the Group's functions set out in Rule 1 above.

6. The Chair shall retain the right to take the floor and to vote in her/his capacity of a member of the Group.

7. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside over the meeting. If the Vice-Chair is absent or otherwise unable to preside over the meeting, the Chair shall be replaced by a member appointed by the Group, in the same manner that the Chair is elected by virtue of paragraph 3 above.

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<sup>2</sup> According to Article 2.g. of the Vienna Convention on the Law of Treaties (1969), a State Party should be understood as a "State which has consented to be bound by the treaty and for which the treaty is in force".

<sup>3</sup> According to Article 23.1 of the Convention on the Prevention of Terrorism, member States of the Council of Europe, the European Community and non-member States which have participated in the elaboration of the Convention can become Parties to the Convention. Other States which are not member States of the Council of Europe and which has not participated in the elaboration of the Convention can also become Parties to the Convention in accordance with Article 24.1 of the Convention.

#### **Rule 4 – Convening meetings**

The Group shall usually meet twice a year or as the needs of monitoring require. The Group shall decide at the end of each of its meeting the date of the next meeting. Where possible, the Group shall meet in conjunction with the meetings of the CODEXTER.

#### **Rule 5 – Working documents**

1. The Secretariat shall be responsible for the technical preparation and the distribution of the Group's working documents.
2. Documents requiring a decision shall be transmitted to members of the Group at least four weeks in advance of the opening of the meeting at which the decision is to be taken. However, in exceptional cases and if no member objects, the Group may consider a document submitted later.
3. Full access to the details and documents of the monitoring procedure in relation to each Party will only be available to other Parties. Access to the details and documents of the monitoring procedure in relation to a particular Party can only be made public upon receipt of express authorisation from the Party concerned.
4. At the end of each meeting, the Secretariat shall submit to the Group for its approval a list of items discussed and decisions taken during the meeting. Unless the Group decides otherwise – in particular by virtue of Rule 5.3 – the list of items discussed and decisions taken is made public after the meeting for which it was prepared.
5. Information technology should be used whenever possible.

#### **Rule 6 – Privacy of meetings and confidentiality**

1. Meetings shall be held in camera.
2. All deliberations and written documents of the monitoring procedure in relation to each Party are confidential, unless there is an express authorisation from that Party for their public use.

#### **Rule 7 – Workings methods**

1. The Group may appoint a rapporteur, establish a working or drafting group among its members, or both.
2. The Group may entrust a limited number of its members with a specific task to be fulfilled by its next meeting.
3. Within the limits of budgetary resources, the Group may request the Secretariat to have recourse, where appropriate, to the service of one or more consultants.

#### **Rule 8 – Hearings**

The Group may decide, within the limits of budgetary resources, to organise hearings with experts and other qualified persons in a position to contribute to the work of the Group.

## **Rule 9 – Voting**

1. Each member of the Group shall have one vote; however, where the delegation of a Party is composed of more than one representative, only one of them is entitled to take part in voting.
2. Voting requires the quorum. There shall be a quorum if a majority of the members of the Group is present.
3. The decisions of the Group are taken by consensus, as far as possible, or otherwise, in case of voting, by a decision requiring two-thirds majority of the votes cast.
4. Procedural questions shall be decided by a majority of the votes cast. If any question arises as to whether a matter is procedural or not, it shall not be treated as procedural unless the Group so decides by a two-thirds majority of the votes cast.
5. For the purposes of these rules “votes cast” shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.

## **Rule 10 - Procedure for evaluating the implementation of the Convention by the Parties**

In respect of monitoring of the Convention as stipulated in Rule 1, the Group will apply the following procedure:

### Evaluation procedure

1. The Group shall evaluate the implementation of the Convention by the Parties following a procedure divided by rounds, each round concerning a theme of the Convention.
2. The duration of each evaluation round will be determined by the Group.
3. For each evaluation round the Group shall select the specific provision(s) of the Convention relating to the chosen theme in order to provide an overview of implementation of the said provision(s) by the Parties.
4. The Group may appoint one or more rapporteur(s) from among its members to prepare the draft Thematic Assessment Report to be discussed and adopted by the Group. This appointment, where appropriate, will take place following the decision on the specific provision(s) of the Convention to be evaluated.
5. The first evaluation round is initiated by addressing to the Parties the specific Template for this round (hereinafter “the Template”). Subsequent rounds are initiated by addressing the Template for each round.

### Template for evaluating implementation

6. For each evaluation round, the Group – assisted by the Secretariat - shall prepare a Template for Parties’ use in the self-assessment of the implementation of the specific provision(s) of the Convention.
7. The Template shall be addressed to the Parties through the member of the Group and the Parties shall return the completed Template to the Secretariat within the time-limit set by the Group.
8. The replies by the Parties should be detailed, answer all questions of the Template and contain all necessary reference texts, including where necessary relevant legislation, jurisprudence or other documentation. Where appropriate, Parties’ contributions should include statistics.

### Preparation and adoption of the Thematic Assessment Report by the Group of Parties

9. For each evaluation round the Chair assisted by the Secretariat, or where appropriate the Rapporteur assisted by the Secretariat, will prepare a Draft Thematic Assessment Report on the basis of the self-assessment reports prepared by the Parties.
10. The draft Thematic Assessment Report consists of a descriptive part, an analytical part and conclusions.
11. The draft Thematic Assessment Report will be circulated to the members of the Group at least four weeks in advance of the meeting at which it is to be discussed.
12. Any comments or amendments received on the draft will be presented to the Group for discussions.
13. At the meeting, members of the Group may raise questions and formulate comments on the Parties' contributions, relate their national experience and, more generally, issue an opinion on the implementation of the Convention. A summary of these exchanges shall be included in the draft Report.
14. Members of the Group may also, as appropriate, submit recommendations designed to help Parties to overcome the difficulties they have described in their contributions. When these Recommendations concern a specific Party, they will be included in the Thematic Assessment Report only with the consent of this Party.
15. The Group may set a date for submitting additional information on implementation of the Convention by a specific Party, including, where necessary, the information on co-operation of other Parties with that Party for the implementation of the Convention.
16. The Group adopts the Thematic Assessment Report, including any amendments agreed by the Group.

### **Rule 11 - Transmission of a summary of the Thematic Assessment Report to the CODEXTER**

1. The Group adopts a summary of the Thematic Assessment Report for the attention of the CODEXTER. By virtue of Rule 1, that summary shall contain the main outcomes of the assessment, without referring explicitly to specific Parties.
2. Where necessary, the Chair of the Group will present orally to the CODEXTER the Group's summary of the Thematic Assessment Report.

### **Rule 12 – Periodic meetings with the Chair of the CODEXTER**

The Group may periodically meet the Chair of the CODEXTER, if necessary, to be informed about the work of the CODEXTER and in particular about assistance and support provided by the CODEXTER to the Group in the implementation of conclusions and recommendations adopted by the Group.

### **Rule 13 – Amendments to the Rules of procedure**

The Group may amend these Rules of Procedure by consensus.

## **APPENDIX I**

(Adopted by the Group of Parties on 12 November 2014, in Strasbourg)

### **Decision by the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No 196) concerning**

#### **the classification of documents issued by the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No 196):**

*The Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No 196) (hereinafter the “Group of Parties”):*

*Bearing in mind* Resolution Res(2001)6 on access to Council of Europe documents adopted by the Committee of Ministers on 12 June 2001 (756th meeting of the Ministers’ Deputies),

*Has decided as follows:*

#### **Single Article**

1. Documents submitted by States Parties to the Group of Parties in the course of the assessment of the implementation of the Council of Europe Convention on the Prevention of Terrorism (CETS No 196), drafts of the assessments reports, as well as the final assessment reports adopted by the Group of Parties, shall be classified “confidential”.
2. All other documents issued by the Group of Parties, including the final summaries of the assessment reports, shall be public.
3. A State Party or the Secretariat may request that a document submitted by it to the Group of Parties be classified as “restricted”, “confidential” or “secret”. If no such request is made, the document in question shall be public.
4. The Group of Parties shall review this decision on a regular basis.
5. This Decision shall be appended to the Rules of Procedure of the Group of Parties.