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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**WORKING METHODS OF THE CDPC AND ITS BUREAU**

Secretariat memorandum prepared by  
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## WORKING METHODS OF THE CDPC AND ITS BUREAU

1. In the context of events which require a rapid and efficient response, and in view of the fact that the CDPC's plenary sessions are held on a yearly basis, the CDPC instructed the Bureau in 2003 (see paragraph 23 of document CDPC (2003) 9), to prepare a proposal focussing especially on the distribution of tasks between the Plenary and the Bureau. In doing so, the Bureau drew upon a document on the distribution of tasks between the Plenary and the Bureau which was endorsed by the CDPC at its 43<sup>rd</sup> plenary session in June 1994 (CDPC (94) 5) and also on experience of other steering committees, such as the CDCJ. The CDPC is invited to discuss, and, if appropriate, to adopt the present proposals.
2. While the CDPC Plenary must remain the principal forum for all decisions on policy, for normative acts (Conventions and Recommendations) and elections, the Bureau should be empowered to take decisions on more procedural matters and on any other matter delegated to it by the Plenary. This should also ensure that important issues receive full consideration by the Plenary.
3. Thus it is crucial to establish clear guidelines for the distribution of tasks between the Plenary and the Bureau of the CDPC. With a view to the requirement, in Resolution Res(2005)47 for the Bureau to, *inter alia*, "ensure continuity between meetings as necessary" it should be empowered to deal with urgent issues which cannot wait until the next Plenary Session. It is clear that, notwithstanding the provisions of paragraphs 5 and 6 below, the Bureau can always renounce the possibility to take a decision on its own in favour of a written consultation procedure or a referral for decision to the Plenary and likewise can renounce the possibility to use the written consultation procedure in favour of a referral to the Plenary for decision.
4. It is also essential for maximum efficiency that the CDPC, its Bureau and the Secretariat make use of the technological tools available, in particular the use of e-mail and the CDPC website ([www.coe.int/cdpc](http://www.coe.int/cdpc)).

### Proposals for Distribution of tasks between the CDPC and its Bureau

5. Decisions to be taken by the Bureau acting on its own authority:
  - a) follow-up and ensuring the implementation of decisions of the CDPC wherever it is not possible to wait for the Plenary Session of the CDPC;
  - b) proposing to the Committee of Ministers procedural changes to the terms of reference of Committees of Experts, for example by adjusting their timetable of work (including an extension of the time limit of such a committee);
  - c) admitting observers to Conferences and Colloquia;
  - d) designating new members to its existing subordinate committees;
  - e) approving publication of conference proceedings;
  - f) requesting information from CDPC representatives to other standing or ad hoc committees;
  - g) between the meetings of the Plenary Committee taking any necessary measures to ensure the monitoring by the CDPC of the activities of the expert committees which are subordinate to it, in particular by requesting information from, and giving guidance to, these subordinate committees;
  - h) any other matter which may be delegated on an exceptional basis by the Plenary.

**6.** Decisions to be taken by the Bureau acting in consultation with the full membership of the CDPC, using the written procedure:

- a) giving advisory opinions to the Committee of Ministers and other Steering Committees;
- b) deciding on the admission of observers to Committees of Experts or to the CDPC itself, in accordance with Article 3.4.a of Resolution Res(2005)47;
- c) appointing CDPC representatives to other standing or ad hoc committees as well as giving them instructions;
- d) making proposals to the Committee of Ministers concerning the finalisation or adjustment of the terms of reference of Committees of Experts;
- e) any other matter which may be delegated on an exceptional basis by the Plenary.

**7.** These arrangements are subject to the following general rules:

- a) They are without prejudice to the competence of the Committee of Ministers.
- b) The Bureau would be obliged to submit the matter for decision to the CDPC if there is no consensus in the Bureau.
- c) Decisions taken by the Bureau will be reported to CDPC delegations for information, as soon as possible.
- d) Any proposal which meets with an objection indicated as being fundamental by one of the CDPC delegations (for example with regard to the admission of a non-member state as an observer) shall be referred either to the Plenary, or, in cases of emergency, to the Committee of Ministers
- e) Matters not covered by paragraphs 5 and 6 above shall always be referred to the Plenary session for decision.

### **Preparation of meetings of the CDPC**

**8.** In order to prepare and facilitate the work of the Plenary, the Bureau shall examine interim reports of Committees of Experts, and propose priorities for action by the CDPC. Both the efficiency of decision-making in the CDPC, and the quality of its discussions, will be enhanced by more effective preparation of its meetings. The Bureau shall, therefore:

- a) make proposals concerning the draft agenda of the Plenary meeting;
- b) identify matters which might be agreed without debate;
- c) make proposals for the order of business.

**9.** The Bureau and the Secretariat shall be jointly responsible for ensuring that both the draft agenda and the documents for the meeting are available well in advance. As a rule, all documents should be circulated at least 20 days beforehand. All draft normative texts to be submitted for adoption by the CDPC should normally be distributed at least four weeks prior to the Plenary Session, and delegations should be warned if, exceptionally, this will not be possible. To this end, subordinate committees preparing normative texts should, whenever practicable, aim to finalise their work three months prior to the Plenary Session. If it is not possible to finalise the draft agenda until shortly before the meeting, a draft provisional agenda should be made available. The practice of making available a draft annotated agenda is also extremely helpful for delegations, and such a draft annotated agenda should be available at least two weeks before the meeting.

**10.** The Bureau shall also assist the CDPC by preparing a working document, in consultation with the Secretariat, on the available budgetary resources and options for the CDPC's future programme of activities.

**11.** Whenever detailed information is provided to the CDPC at its meetings, this should normally be in written form. However, brief oral reports to the CDPC by the Secretariat and participants may be made especially where a decision has to be taken.

### **Proposed working methods for small committees working under the authority of CDPC**

**12.** Without prejudice to the competence of the CDPC to discuss the normative texts at the Plenary,

a) where, for budgetary reasons, CDPC expert committees preparing normative texts are comprised of a limited number of national experts their terms of reference may provide for one or more of the following:

- (i) for other member States to send their representatives to the meetings of the committee at their own expense;
- (ii) a CDPC representative to attend the meetings and report back to the Bureau and the plenary on the progress in the work of the committee;
- (iii) a written consultation procedure with the CDPC delegations;
- (iv) the CDPC to send (depending on the subject matter) draft texts for opinion to its other subordinate bodies;
- (v) in case of preparing binding legal instruments organising of at least one meeting of the expert committee with participation of all member States financed by the Council of Europe budget,.

b) where normative texts are drafted by advisory groups (like the PC-CP or the PC-PM) or other subordinate bodies whose members are elected in their personal capacity their terms of reference may provide for one or more of the following, considered on a case by case basis:

- (i) the Chair of the committee will report regularly to the CDPC Bureau and plenary sessions on the state of advancement of the work on the draft text;
- (ii) a CDPC representative to attend the meetings and report back to the Bureau and the plenary on the progress in the work of the committee,
- (iii) a written consultation procedure with the CDPC delegations.

### **Written Procedure**

**13.** To the extent possible, all issues arising from a draft text which is to be presented for adoption by the Committee of Ministers should be dealt with in the plenary meeting at which the text is approved by the CDPC. Clearly, there may be three exceptions to this general rule of procedure, viz:

- when a CDPC delegation expresses a reservation on a specific question which has been noted in the meeting report;
- when a new question or issue arises which was not apparent when the text was discussed at the plenary meeting;
- when a delegation has not raised any objections or reservations in the plenary but questions are raised by their Ministry subsequent to the approval by the plenary.

In the first of these cases, it is clear that the question may be raised again when the text is presented to the Committee of Ministers for adoption. Should the delegation withdraw its reservation, it should inform the Secretariat, which in turn will inform all delegations that the reservation has been lifted.

In the latter two cases CDPC delegations should indicate to the Secretariat, who will so inform the other CDPC delegations, the nature of any question which may be raised at the level of the Committee of Ministers, and if possible any proposals to resolve the difficulty which has arisen.

**14.** The Bureau must use the written procedure whenever taking one of the decisions referred to in paragraph 6. This procedure is as follows:

- i) On behalf of the Bureau, the Secretariat will circulate by e-mail to the CDPC delegations, via the contact points communicated to the Secretariat in accordance with paragraph 15 a), as well as to observers for information the text of the decision which it proposes to take, supported by any necessary background information and reasoning (background documents on the CDPC website will be referred to but not sent by e-mail).
- ii) Except in situations of urgency, the period allowed for reply must be at least two weeks.
- iii) The Secretariat will inform delegations that silence will be interpreted as approval for the proposed decision.
- iv) Shortly before the end of this period, the Secretariat will send a reminder by e-mail to all CDPC delegations.
- v) At the end of the period, the Secretariat will inform the members of the Bureau of any views expressed by CDPC members.
- vi) The Bureau will decide whether to maintain its earlier proposal, amend it, or refer the matter to the next Plenary Session, or to the Committee of Ministers.
- vii) The Bureau will decide whether any amended proposal should be submitted to a further written procedure, should be presented for adoption by the Plenary or can be adopted by the Bureau.

#### **Consultation by e-mail**

**15.** The CDPC delegations shall:

- a) ensure that the Secretariat always has an appropriate contact point (Head of Delegation) including two appropriate e-mail addresses (e.g. Head of Delegation/Permanent Representation) for CDPC information and for use during the written procedure; and
- b) use the CDPC e-mail address ([dgi.cdpc@coe.int](mailto:dgi.cdpc@coe.int)) when contacting the Secretariat;
- c) consult, on a regular basis, the CDPC website.

#### **Use of the CDPC website**

**16.** The Secretariat shall inform heads of CDPC delegations by e-mail whenever texts that require action by delegations are included on the web-site<sup>1</sup>, including information about any relevant deadlines (e.g. draft international instruments or other texts such as draft Opinions where delegations are invited to send drafting proposals).

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<sup>1</sup> Delegations are invited to consult the website on a regular basis. The Secretariat will continue to send out important and/or confidential documents by e-mail.