
Resolution CM/Res(2022)6 concerning financial arrangements for the participation of the European Union and non-member States in Council of Europe conventions

*(Adopted by the Committee of Ministers on 6 April 2022
at the 1431st meeting of the Ministers' Deputies)*

The Committee of Ministers, pursuant to Articles 15.a, 38 and 39 of the Statute of the Council of Europe (ETS No. 1),

Having regard to the Financial Regulations of the Council of Europe;

Considering the growing interest of non-member States of the Council of Europe in acceding to one or more Council of Europe conventions;

In view of the costs that these accessions entail for the Organisation, when the conventions concerned provide follow-up mechanisms, which are covered by the Organisation's budgets;

Having regard to the fact that certain Council of Europe conventions provide for a financial contribution to their follow-up mechanism by Contracting Parties not members of the Council of Europe;

Having regard to the fact that other Council of Europe conventions do not contain such a clause;

Having regard to the need to update the legal framework governing the financial conditions for this participation;

In view of the costs that the accession of the European Union or a non-member State to the Council of Europe conventions would entail for the Organisation, in particular in relation to follow-up mechanisms, and that these costs are covered by the Organisation's budgets;

Considering the need to introduce a mechanism for covering such costs by establishing a legal framework governing the financial conditions for the European Union's or non-member States' participation in the follow-up mechanisms of the Council of Europe conventions;

Considering that the present resolution does not regulate the specific financial arrangements related to the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), which are to be provided for in a separate instrument;

In view of the proposal made by the Secretary General in document CM(2021)94-rev4;

Decides that Resolutions CM/Res(2019)3, CM/Res(2020)6 and CM/Res(2021)1 shall be repealed and replaced by the present resolution, including in respect of the non-member States falling within the scope of Resolutions CM/Res(2019)3 and CM/Res(2021)1,

Resolves as follows:

I. The following provisions shall apply to the European Union and to non-member States of the Council of Europe, in each of the following cases and respectively with regard to each Convention concerned:

- they are already Parties or, after the date of adoption of the present resolution, become Parties to a Council of Europe convention containing a clause on financial participation in its follow-up mechanism;

- after the date of adoption of the present resolution, they are invited and become Parties to a Council of Europe convention not containing a clause on financial participation in its follow-up mechanism;
- they have already been invited to accede or have already acceded to the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) within the scope of Resolution CM/Res(2019)3;
- they have already been invited to accede or have already acceded to the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) within the scope of Resolution CM/Res(2021)1.

1. Any Party to a Council of Europe convention, which is not a member of the Council of Europe, shall contribute to the financing of the said convention's functioning in keeping with the provisions laid down in this resolution, unless a clause on financial participation provides otherwise, when it participates as of right in the follow-up mechanism of the convention.

2. During any prior contacts, the Secretariat shall inform the authorities of the European Union or of the non-member State of the Council of Europe in question of the budgetary implications of possible accession to the convention concerned. Their attention shall be drawn in particular to the relevant provisions of the present resolution.

3. The Committee of Ministers' decision to invite the European Union or a non-member State of the Council of Europe to accede to a convention that does not have a clause on financial participation shall refer to and be conditional upon the European Union or that non-member State making a binding unilateral declaration undertaking the commitment to provide a financial contribution in accordance with the present resolution, unless the Committee of Ministers decides otherwise. The European Union or non-member State concerned shall communicate its acceptance of the commitment to provide a financial contribution by means of the above-mentioned declaration addressed to the Secretary General.

4. The amount of the contribution shall be calculated in accordance with the method set out in the appendix to this resolution, in the absence of a specific provision in the relevant convention. A minimum contribution of €7 530 will be required. This amount will be adjusted annually based on the annual inflation rate in the host country of the Organisation as at 28 February of the previous year.

5. Unless the Committee of Ministers decides otherwise, the contribution shall be allocated to the General Budget or where applicable to the budget of the Partial Agreement concerned.

6. Every year the Secretary General shall notify the authorities of the relevant Parties to the Council of Europe conventions concerned of the amount of their contribution and, unless the Committee of Ministers decides otherwise, shall ask them to proceed to payment. The provisions of Article 10 of the Financial Regulations shall apply *mutatis mutandis* to the contribution of any Contracting Party to a Council of Europe convention which is not a member of the Council of Europe.

II. The following provision shall apply to the European Union, and to non-member States of the Council of Europe which, at the date of adoption of the present resolution, are Parties to a Council of Europe convention not containing a clause on financial participation in its follow-up mechanism:

7. Any Party to a Council of Europe convention not containing a clause on financial participation in its follow-up mechanism, which is not a member of the Council of Europe, when it participates as of right in the follow-up mechanism of the convention, is encouraged to contribute to the financing of the said convention in keeping with the arrangements laid down in paragraphs 4 and 5 of the present resolution.

*Appendix to Resolution CM/Res(2022)6***Calculation method**

The calculation method retained consists in:

- a. identifying the budgetary cost of the convention concerned (staff and operational costs) (A),
- b. adding administrative costs (27%) (B) = $27\% \times A$
- c. applying the Ordinary Budget scale, with the addition of the European Union or the non-member State which wishes to accede to the convention and as resulting from the Committee of Ministers' Resolution Res(94)31 on the method of calculating the scale of member States' contributions, to the estimated cost of the Convention (A+B).