



## SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Conventions and agreements opened for signature between 1949 and 2003 were published in the "European Treaty Series" (ETS No. 1 to 193 included). Since 2004, this Series is continued by the "Council of Europe Treaty Series" (CETS No. 194 and following).

**Statute of the Council of Europe** ([ETS No. 1](#)), signed in London, on 5 May 1949.

Entry into force: 3 August 1949.

The Council of Europe has been created after the Second World War in order to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress. Any European State may become a member of the Council of Europe as far as it accepts the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.

This aim shall be pursued through the two organs of the Council – the Committee of Ministers and the Parliamentary Assembly – by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.

The Committee of Ministers is the organ which acts on behalf of the Council of Europe. Each member shall be entitled to one representative on the Committee of Ministers, the Minister for Foreign Affairs or its Representative. On the recommendation of the Parliamentary Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements.

The Parliamentary Assembly is the deliberative organ of the Council of Europe. It shall debate matters within its competence under this Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers. Each member State is represented by a delegation from its national parliament. The number of seats for each member State is given in the Statute of the Council of Europe (Article 26).

Both these organs are served by a Secretariat directed by the Secretary General.

Moreover, the Statute provides for the financing of the Council, grants to the Representatives the immunities and privileges necessary for the fulfilment of their functions, set up the seat of the Organisation in Strasbourg and that the official languages of the Council of Europe are English and French. The Statute includes the amendments provided for by the ETS Nos. 6, 7, 8 and 11.

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**General Agreement on Privileges and Immunities of the Council of Europe** ([ETS No. 2](#)), signed in Paris, on 2 September 1949.

Entry into force: 10 September 1952.

The Agreement, concluded in accordance with the provisions of the Statute of the Council of Europe (ETS No. 1), provides for the immunities and privileges necessary for the fulfilment of the function of the Representatives of the member States to the Committee of Ministers and the Parliamentary Assembly, as well as of the Secretariat. Among these immunities and privileges are the juridical personality of the Council of Europe, the immunity of jurisdiction, the inviolability of the buildings and premises of the Council.

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**Convention for the Protection of Human Rights and Fundamental Freedoms** ([ETS No. 5](#)), open for signature, in Rome, on 4 November 1950.

Entry into force: 3 September 1953.

The "European Convention on Human Rights" sets forth a number of fundamental rights and freedoms (right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to an effective remedy, prohibition of discrimination). More rights are granted by additional protocols to the Convention (Protocols 1 (ETS No. 9), 4 (ETS No. 46), 6 (ETS No. 114), 7 (ETS No. 117), 12 (ETS No. 177), 13 (ETS No. 187), 14 (CETS No. 194), 15 (CETS No. 213) and 16 (CETS No. 214)).

Parties undertake to secure these rights and freedoms to everyone within their jurisdiction. The Convention also establishes an international enforcement machinery. To ensure the observance of the engagements undertaken by the Parties, the European Court of Human Rights in Strasbourg has been set up. It deals with individual and inter-State petitions. At the request of the Committee of Ministers of the Council of Europe, the Court may also give advisory opinions concerning the interpretation of the Conventions and the protocols thereto. The Committee of Ministers has also a power to ask the Court for an interpretation of a judgment.

The parties to a case must abide by the judgments of the Court and take all necessary measures to comply with them. The Committee of Ministers supervises the execution of judgments. The Secretary General may request Parties to provide explanations on the manner in which their domestic law ensures the effective implementation of the Convention.

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**Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms** ([ETS No. 9](#)), open for signature, in Paris, on 20 March 1952.

Entry into force: 18 May 1954.

The Additional Protocol to the Convention (ETS No. 5) adds new fundamental rights to those protected under the Convention, namely: the right to peaceful enjoyment of property, the right to education and the right to free elections by secret ballot.

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**Protocol to the General Agreement on Privileges and Immunities of the Council of Europe** ([ETS No. 10](#)), open for signature, in Strasbourg, on 6 November 1952.

Entry into force: 11 July 1956.

The Protocol extends the provisions of the General Agreement (ETS No. 2) to other categories of persons (Ministers' Deputies, Permanent Representative of the States). Moreover, it provides for the accession of the new members of the Council of Europe to the General Agreement.

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**European Interim Agreement on Social Security Schemes relating to Old Age, Invalidation and Survivors** ([ETS No. 12](#)) and its **Protocol** ([ETS No. 12A](#)), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 July 1954.

The Agreement concerns social security schemes relating respectively to old age, invalidity and survivors. It provides for nationals of any one of the Parties to be entitled to receive the benefit of the laws and regulations of any other Party, under the same conditions as if person were a national of the latter, provided that certain conditions of residence are fulfilled.

The Protocol<sup>1</sup> extends the provisions of the Agreement to refugees.

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**European Interim Agreement on Social Security other than Schemes for Old Age, Invalidation and Survivors** ([ETS No. 13](#)) and its **Protocol** ([ETS No. 13A](#)), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 July 1954.

The Agreement concerns social security schemes other than schemes provided by European Interim Agreement on Social Security Schemes relating to Old Age, Invalidation and Survivors (ETS No. 12). It provides for nationals of any one of the Parties to be entitled to receive the benefit of the laws and regulations of any other Party, under the same conditions as if person were a national of the latter, providing that certain conditions of residence are fulfilled.

The Protocol<sup>2</sup> extends the provisions of the Agreement to refugees.

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**European Convention on Social and Medical Assistance** ([ETS No. 14](#)) and its **Protocol** ([ETS No. 14A](#)), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 July 1954.

Under this Convention, Parties undertake to ensure that the nationals of other Parties, who are lawfully present in their territory and who are without sufficient resources, are entitled to the same social and medical assistance as their own nationals.

The Protocol<sup>3</sup> extends the provisions of the Agreement to refugees.

\* \* \*

**European Convention on the Equivalence of Diplomas leading to Admission to Universities** ([ETS No. 15](#)), open for signature, in Paris, on 11 December 1953.

Entry into force: 20 April 1954.

Under the Convention, the Parties recognise, for the purpose of their own universities, the equivalence of diplomas affording admission to the universities of the other Parties where such admission is subject to the control of the State.

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<sup>1</sup> Protocol to the European Interim Agreement on Social Security Schemes relating to Old Age, Invalidation and Survivors (ETS No. 12A), open for signature, in Paris, on 11 December 1953.

<sup>2</sup> Protocol to the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidation and Survivors (ETS No. 13A), open for signature, in Paris, on 11 December 1953.

<sup>3</sup> Protocol to the European Convention on Social and Medical Assistance (ETS No. 14A), open for signature, in Paris, on 11 December 1953.

**European Convention relating to the Formalities required for Patent Applications** ([ETS No. 16](#)), open for signature, in Paris, on 11 December 1953.

Entry into force: 1 June 1955.

The aim of the Convention is to simplify and unify, as far as it is possible, the formalities required by the various national legislations for patent applications.

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**European Convention on the International Classification of Patents for Invention** ([ETS No. 17](#)), open for signature, in Paris, on 19 December 1954.

Entry into force: 1 August 1955.

The aim of the Convention is to promote a uniform system of classification of patents for inventions likely to contribute to the harmonisation of national legislation.

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**European Cultural Convention** ([ETS No. 18](#)), open for signature, in Paris, on 19 December 1954.

Entry into force: 5 May 1955.

The purpose of this Convention is to develop mutual understanding among the peoples of Europe and reciprocal appreciation of their cultural diversity, to safeguard European culture, to promote national contributions to Europe's common cultural heritage respecting the same fundamental values and to encourage in particular the study of the languages, history and civilisation of the Parties to the Convention. The Convention contributes to concerted action by encouraging cultural activities of European interest.

\* \* \*

**European Convention on Establishment** ([ETS No. 19](#)), open for signature, in Paris, on 13 December 1955.

Entry into force: 23 February 1965.

Under this Convention, each Party guarantees to nationals of the other Parties the following advantages: facilitation of prolonged or permanent residence in its territory; guarantees against possible expulsion; treatment equal to that enjoyed by nationals in respect of the possession and exercise of private rights; legal and judicial protection; and the right to engage in gainful occupations (industrial, commercial, financial and agricultural occupations, skilled crafts and professions), under certain conditions laid down in the Convention.

\* \* \*

**Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment** ([ETS No. 20](#)), open for signature, in Paris, on 13 December 1955.

Entry into force: 1 January 1956.

The Agreement allows nationals of Parties disabled by war, the ability to have special treatment in another Party, which they cannot obtain in their own country. The Agreement provides not only for the exchange of war cripples for purposes of medical treatment but also for the exchange of technical information, the free entry of orthopaedical equipment, artificial limbs, etc., and the exchange of medical personnel with a view to their further training.

\* \* \*

**European Convention on the Equivalence of Periods of University Study** ([ETS No. 21](#)), open for signature, in Paris, on 15 December 1956.

Entry into force: 18 September 1957.

The Convention aims at securing that the periods of study spent by a student of modern languages in a university of a Party are recognised as equivalent in the students' home country. In addition, unilateral or bilateral agreements should determine the conditions under which all examinations passed by a student during his period of study

abroad can be considered as equivalent to examinations passed in his home country.

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**Second Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 22)**, open for signature, in Paris, on 15 December 1956.

Entry into force: 15 December 1956.

The Second Protocol contains specific provisions concerning the privileges and immunities of the Members of the European Commission of Human Rights while exercising their functions.

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**European Convention for the Peaceful Settlement of Disputes (ETS No. 23)**, open for signature, in Strasbourg, on 29 April 1957.

Entry into force: 30 April 1958.

The Convention provides three ways of settling by peaceful means disputes.

First, the Parties agree to submit to the judgment of the International Court of Justice all international legal disputes which may arise between them and concern the interpretation of a treaty, any question of international law, the existence of any fact constituting a breach of an international obligation, and the nature or extent of the reparation to be made for the breach of an international obligation (Article 1).

Second, for the settlement of other disputes or when Parties have agreed to submit them to conciliation prior to recourse to judicial resolution, Parties agree to submit a dispute to a Permanent Conciliation Commission or to a special Conciliation Commission (Chapter II).

Third, for all disputes which may arise between the Parties other than those mentioned in Article 1 and which have not been settled by conciliation, either because the Parties have agreed not to have prior recourse to it or because conciliation has failed, Parties agree to apply the procedure of arbitration (Chapter III).

The provisions of this Convention are not applied to disputes which the Parties have agreed to submit to another procedure of peaceful settlement. As regards disputes falling within the scope of Article 1 of the Convention, Parties shall refrain from invoking as between themselves agreements which do not provide for a procedure entailing binding decisions.

Finally, if one of the Parties to a dispute fails to carry out its obligations under a decision of the International Court of Justice or an award of the Arbitral Tribunal, the other Party to the dispute may seize the Committee of Ministers of the Council of Europe which may make recommendations with a view to ensuring compliance with the decision or award.

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**European Convention on Extradition (ETS No. 24)**, open for signature, in Paris, on 13 December 1957.

Entry into force: 18 April 1960.

The European Convention on Extradition provides for the extradition between Parties of persons wanted for criminal proceedings or for the carrying out of a sentence. The Convention does not apply to political or military offences and any Party may refuse to extradite its own citizens to a foreign country.

With regard to fiscal offences (taxes, duties, customs) extradition may only be granted if the Parties have decided so in respect of any such offence or category of offences. Extradition may also be refused if the person claimed risks the death penalty under the law of the requesting State.

\* \* \*

**European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe (ETS No. 25)**, open for signature, in Paris, on 13 December 1957.

Entry into force: 1 January 1958.

The Agreement aims to facilitate personal travel of nationals of the Parties, who may enter or leave the territory of another Party by all frontiers on presentation of one of the documents listed in the appendix to this Agreement. Moreover, Parties agree to allow the holder of any of the documents to re-enter its territory without formality even if his/her nationality is under dispute.

The facilities accorded shall only be available for visits of not more than three months duration.

This Agreement shall in no way prejudice the provisions of any domestic law and bilateral or multilateral treaties or agreements in force or to enter into force, whereby more favourable terms are applied to the nationals of other Parties.

\* \* \*

**European Agreement on the Exchange of Therapeutic Substances of Human Origin (ETS No. 26)**, open for signature, in Paris, on 15 December 1958.

Entry into force: 1 January 1959.

The Agreement aims to ensure mutual assistance between Parties in the supply of therapeutic substances of human origin should the need arise. The expression "therapeutic substances of human origin" refers to human blood and its derivatives.

This Agreement allows those Parties which have sufficient stocks for their own needs to make therapeutic substances of human origin available to other Parties who are in urgent need of them.

The therapeutic substances of human origin are available to the other Parties subject to the express condition that no profit is made on them, they shall be used solely for medical purposes and shall be delivered only to bodies designated by the governments concerned. These substances are exempt from all import duties.

The therapeutic substances of human origin shall be accompanied by a certificate to the effect that they were prepared in accordance with the specifications in the Protocol to the Agreement.

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**European Agreement concerning Programme Exchanges by means of Television Films (ETS No. 27)**, open for signature, in Paris, on 15 December 1958.

Entry into force: 1 July 1961.

The Agreement aims to facilitate the exchange of television films among States which are Parties to it. It enables television organisations of one Party to authorise their counterparts in other Parties to exploit, and in particular, to screen the films they have made. Such authorisations are only limited where the authors and other persons who have contributed to the making of the film have expressly provided for such limits in the contracts concluded between them and the organisation which made the film.

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**Third Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 28)**, open in Strasbourg, on 6 March 1959.

Entry into force: 15 March 1963.

The Third Protocol contains specific provisions concerning the Council of Europe Resettlement Fund for National Refugees and Over-population (since 1999 the name is *Council of Europe Development Bank*).

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**European Convention on Compulsory Insurance against Civil Liability in respect of Motor Vehicles** ([ETS No. 29](#)), open for signature, in Strasbourg, on 20 April 1959.

Entry into force: 22 September 1969.

The Convention aims to establish a system of compulsory insurance in respect of civil liability, guaranteeing compensation for victims of damage caused by motor vehicles. Each Party undertakes to introduce in its municipal law a system of compulsory insurance which should comply with the provisions annexed to this Convention (Annex I). The system should determine the persons who shall be responsible for having the motor vehicle insured and provide all appropriate measures, accompanied where necessary by penal or administrative sanctions, to enforce the obligations resulting from the annexed provisions.

Moreover, the Convention specifies the principles governing exemptions from normal insurance, compensation for injury caused by a motor vehicle (involving both compulsory motor insurance and social security schemes), international insurance certificates, guarantees of payment, the establishment of a guarantee fund or conclusion of equivalent arrangements in order to compensate injured parties, and the possibility of bringing the claim in any other Party on equal terms with the nationals of that State.

\* \* \*

**European Convention on Mutual Assistance in Criminal Matters** ([ETS No. 30](#)), open for signature, in Strasbourg, on 20 April 1959.

Entry into force: 12 June 1962.

Under this Convention, Parties agree to afford each other the widest measure of mutual assistance with a view to gathering evidence, hearing witnesses, experts and prosecuted persons, etc.

The Convention sets out rules for the enforcement of letters rogatory by the authorities of a Party ("requested Party") which aim to procure evidence (audition of witnesses, experts and prosecuted persons, service of writs and records of judicial verdicts) or to communicate the evidence (records or documents) in criminal proceedings undertaken by the judicial authorities of another Party ("requesting Party").

The Convention also specifies the requirements that requests for mutual assistance and letters rogatory have to meet (transmitting authorities, languages, refusal of mutual assistance).

\* \* \*

**European Agreement on the Abolition of Visas for Refugees** ([ETS No. 31](#)), open for signature, in Strasbourg, on 20 April 1959.

Entry into force: 4 September 1960.

The Agreement aims to facilitate travel for refugees residing in territory of Parties. To this end, it provides that refugees may enter without visas on the territory of all Parties for a maximum of 3 months but does not apply to persons in paid employment. It sets out also that the refugees shall be re-admitted at any time to the territory of the Party by whose authorities a travel document was issued, at the simple request of the other Party.

\* \* \*

**European Convention on the Academic Recognition of University Qualifications** ([ETS No. 32](#)), open for signature, in Paris, on 14 December 1959.

Entry into force: 27 November 1961.

The Convention applies to diplomas awarded at the end of undergraduate university studies, qualifying the holders to proceed to post-graduate studies. It does not, therefore, apply to intermediate examinations.

The holder of a degree or diploma awarded following study at a university of one Party of the Convention may take up further study (generally a postgraduate course) in any other Party under the same conditions as are applicable to nationals of that state who have a "similar national university qualification". Furthermore, the holder of a degree or diploma awarded in one Party may use the corresponding academic title in any other Party, provided that it is recognised of an indication of its origin.

If requirements between the country of origin and the country where the graduate study differ, recognition of the foreign qualification may be made conditional on passing further examinations, which may be in a particular sector or language.

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**Agreement on the Temporary Importation, free of duty, of Medical, Surgical and Laboratory Equipment for use on free loan in Hospitals and other Medical Institutions for purposes of Diagnosis or Treatment (ETS No. 33)**, open for signature, in Strasbourg, on 28 April 1960.

Entry into force: 29 July 1960.

The Agreement is designed to enable countries in urgent need to obtain the necessary material free from customs duties for a renewable period of six months, especially steel lungs in the event of an epidemic or a catastrophe. Under the Agreement measures are provided for in addition to those already taken by WHO and the Red Cross.

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**European Agreement on the Protection of Television Broadcasts (ETS No. 34)**, open for signature, in Strasbourg, on 22 June 1960.

Entry into force: 1 July 1961.

The Agreement enables television organisations in Parties to authorise or prohibit, throughout the territory of the Parties to the Agreement, the re-broadcasting, diffusion by wire, audiovisual recording and other means by which their broadcasts are utilised. The Parties can make protected utilisations subject to given reservations, and in particular can withhold completely the protection of wire distribution.

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**European Social Charter (ETS No. 35)**, open for signature, in Turin, on 18 October 1961.

Entry into force: 26 February 1965.

The European Social Charter of 1961 is the counterpart of the European Convention on Human Rights in the sphere of economic and social rights.

The Charter of 1961 guarantees the enjoyment, without discrimination, of fundamental social and economic rights defined in the framework of a social policy that Parties undertake to pursue, by all appropriate means (Part I).

Of the rights guaranteed by the Charter, the right to work, the right to organise, the right to bargain collectively, the right to social security, the right to social and medical assistance, the right to the social, legal and economic protection of the family, and the right to protection and assistance for migrant workers and their families are regarded as particularly significant (Part II).

Any State ratifying the Charter must undertake to be bound by at least 5 of Articles 1, 5, 6, 12, 13, 16 and 19, and by such a number of Articles or numbered paragraphs, provided that the total number of Articles or paragraphs is not less than 10 Articles or 45 numbered paragraphs of Part II of the Charter.

The European Social Charter sets up an international system of supervision of its application by the Parties based on national reports. Every year the Parties submit a report on some of the accepted provisions of the Charter indicating how they implement the Charter in law and in practice. The European Committee of Social Rights (former Committee of Independent Experts) examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. If a Party takes no action on a decision of non-conformity of the European Committee on Social Rights, the Committee of Ministers may address a recommendation to that Party, asking it to change the situation in law and in practice. The Committee of Ministers' work is prepared by a Governmental Committee comprising representatives of the governments of the Parties to the Charter, assisted by observers representing European employers' organisations and trade unions.

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**Fourth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe** ([ETS No. 36](#)), open for signature, in Paris, on 16 December 1961.

Entry into force: 16 December 1961.

The Fourth Protocol contains specific provisions concerning the privileges and immunities of the Members of the European Court of Human Rights while exercising their functions.

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**European Agreement on Travel by Young Persons on Collective Passports between the Member Countries of the Council of Europe** ([ETS No. 37](#)), open for signature, in Paris, on 16 December 1961.

Entry into force: 17 January 1962.

The Agreement aims to increase facilities for travel by young persons in the territories of the Parties.

Young persons up to their 21st birthday are eligible to be accorded a collective travel document if they satisfy the requirements of this Agreement. The number of persons to be included in the collective document may vary from 5 to 50. Persons travelling on a collective document shall remain together and their period of stay shall not exceed three months.

Each Party may, subject to reciprocity, extend the provisions of the Agreement, for the purpose of admission to and stay in its territory, to young refugees and young stateless persons lawfully resident in the territory of another Party whose return thereto is guaranteed.

\* \* \*

**European Agreement on Mutual Assistance in the matter of Special Medical Treatments and Climatic Facilities** ([ETS No. 38](#)), open for signature, in Strasbourg, on 14 May 1962.

Entry into force: 15 June 1962.

The object of this Agreement is to make available the special treatments and climatic facilities existing in other countries to persons who, though affiliated with a medical benefit scheme, are unable to obtain appropriate treatment in their country of residence.

The Agreement applies only to persons:

- residing in the territory of one of the Parties, and
- eligible for compulsory or optional benefits.

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**European Agreement on the Exchanges of Blood-Grouping Reagents** ([ETS No. 39](#)), open for signature, in Strasbourg, on 14 May 1962.

Entry into force: 14 October 1962.

The Agreement allows the Parties to make blood-grouping reagents available to other Parties who are in urgent need of them and to charge only those costs of collection, processing and carriage of such substances and the cost (if any) of their purchase.

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**Agreement between the Member States of the Council of Europe on the issue to Military and Civilian War-Disabled of an International Book of Vouchers for the repair of Prosthetic and Orthopaedic Appliances** ([ETS No. 40](#)), open for signature, in Paris, on 17 December 1962.

Entry into force: 27 December 1963.

The purpose of this Agreement is to make available to any war-disabled person who is within the purview of the competent organisations of the Parties, on the basis of an international book of vouchers, the means of securing free of charge the repair of prosthetic or orthopaedic appliances.

Regulations appended to the Agreement give details on the use of the international book of vouchers for the repair of prosthetic or orthopaedic appliances.

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**Convention on the Liability of Hotel-keepers concerning the Property of their Guests** ([ETS No. 41](#)), open for signature, in Paris, on 17 December 1962.

Entry into force: 15 February 1967.

This Convention sets out detailed provisions under which hotel-keepers are liable for the property of their guests. The liability of the hotel-keeper is engaged for any damage to or destruction or loss of property brought to the hotel by any guest who stays at the hotel and has sleeping accommodation put at his/her disposal. This liability is limited to the equivalent of 3 000 gold francs (Art. 1 of the Annex). However, the liability of hotel-keepers is unlimited where the property has been deposited with them or where they have refused to receive property which they are bound to receive for safe custody.

The Convention prescribes that Parties can, under some conditions, limit the liability of the hotel-keeper. The principles set out in the Annex are not applied to vehicles, any property left with a vehicle, or live animals.

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**Agreement relating to Application of the European Convention on International Commercial Arbitration** ([ETS No. 42](#)), open for signature, in Paris, on 17 December 1962.

Entry into force: 25 January 1965.

The Agreement aims to complete certain measures relating to the organisation of the arbitration, provided for in the European Convention on International Commercial Arbitration concluded in Geneva on 21 April 1961. The Agreement provides that the competent authority may decide, at the request of the party instituting proceedings, on any difficulties arising with regard to the constitution or functioning of the arbitral tribunal. This principle derogates from the provision of Article IV of the above-mentioned Convention on International Commercial Arbitration.

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**Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality** ([ETS No. 43](#)), open for signature, in Strasbourg, on 6 May 1963.

Entry into force: 28 March 1968.

The Convention aims to reduce as far as possible the number of cases of multiple nationality, as between Parties. It lays down rules to reduce cases of multiple nationality in the case of the acquisition of a new nationality or the renunciation of one nationality, and the legal consequences for persons concerned, including minor persons. It also contains provisions on military obligations in cases of multiple nationality.

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**Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions** ([ETS No. 44](#)), open for signature, in Strasbourg, on 6 May 1963.

Entry into force: 21 September 1970.

Protocol No. 2 to the Convention confers upon the European Court of Human Rights competence to give advisory opinions.

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**Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention ([ETS No. 45](#))**, open for signature, in Strasbourg, on 6 May 1963.

Entry into force: 21 September 1970.

This Protocol modifies Articles 29, 30 and 34 of the Convention (*numbering in force prior to 1 November 1998*).

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**Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto ([ETS No. 46](#))**, open for signature, in Strasbourg, on 16 September 1963.

Entry into force: 2 May 1968.

This Protocol secures certain rights and fundamental freedoms not included in previous texts: no deprivation of liberty for non-fulfilment of contractual obligations, right to liberty of movement and freedom to choose one's residence, prohibition of a State's expulsion of a national, prohibition of collective expulsion of aliens.

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**Convention on the Unification of Certain Points of Substantive Law on Patents for Invention ([ETS No. 47](#))**, open for signature, in Strasbourg, on 27 November 1963.

Entry into force: 1 August 1980.

The Convention aims to unify the conditions required in order that a patent could be granted for an invention in each of the Parties, and to lay down the criteria to be applied by courts in defining the extent of the protection conferred by a patent.

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**European Code of Social Security ([ETS No. 48](#)) and its Protocol ([ETS No. 48A](#))**, open for signature, in Strasbourg, on 16 April 1964.

Entry into force: 17 March 1968.

The Code aims at encouraging the development of social security in all member States of the Council of Europe in order that they may gradually reach the highest level possible. The Code fixes a series of standards which Parties undertake to include in their social security systems. The Code defines norms for social security coverage and establishes minimum levels of protection which Parties must provide in such areas as medical care, sickness benefits, unemployment benefit, old-age benefits, employment injury benefits, family benefits, maternity benefits, invalidity benefits, survivors' benefits, etc.

The Protocol<sup>4</sup> contains provisions allowing Parties to achieve a higher level of social security than that provided for in the provisions of the Code.

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**Protocol to the European Convention on the Equivalence of Diplomas leading to Admission to Universities ([ETS No. 49](#))**, open for signature, in Strasbourg, on 3 June 1964.

Entry into force: 4 July 1964.

The Additional Protocol complements the Convention (ETS No. 15) by extending the benefits thereof to holders of diplomas recognised for university admission purposes when they are awarded by institutions which another Party officially sponsors outside its own territory and whose diplomas it assimilates to diplomas awarded within its territory.

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<sup>4</sup> Protocol to the European Code of Social Security (ETS No. 48A), open for signature, in Strasbourg, on 16 April 1964.

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**Convention on the Elaboration of a European Pharmacopoeia** ([ETS No. 50](#)), open for signature, in Strasbourg, on 22 July 1964.

Entry into force: 8 May 1974.

The Convention aims to harmonise specifications for medicinal substances in their original state or in the form of pharmaceutical preparations. The Parties undertake progressively to elaborate a European pharmacopoeia. The European Pharmacopoeia becomes the official standard applicable within the respective Parties. It is drawn up by the European Pharmacopoeia Commission which determines the general principles applicable to the elaboration of the European Pharmacopoeia, decides upon methods of analysis, arranges for the preparation of and adoption of monographs to be included in it, and recommends the fixing of the time limits within which its decisions of a technical character are to be implemented within the territories of the Parties.

The European Pharmacopoeia Commission operates under the overall supervision of the Public Health Committee.

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**European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders** ([ETS No. 51](#)), open for signature, in Strasbourg, on 30 November 1964.

Entry into force: 22 August 1975.

The Convention aims to allow offenders to leave the territory of a Party where a sentence was pronounced, or where the enforcement of a sentence has been conditionally suspended, to establish their ordinary residence in another Party under the supervision of its authorities.

The basic principles of the Convention require that Parties agree to assist each other in the social rehabilitation of offenders for facilitating their good conduct and the readaptation to social life of persons convicted abroad. The Convention specifies conditions as regard the enforcement by the requested State of a sentence of which the enforcement has been conditionally suspended in another Party.

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**European Convention on the Punishment of Road Traffic Offences** ([ETS No. 52](#)), open for signature, in Strasbourg, on 30 November 1964.

Entry into force: 18 July 1972.

The Convention aims to address the increase in road traffic between Parties and the dangers consequent upon the violation of rules designed to protect road users. It sets out a framework of mutual co-operation for more effective punishment of road traffic offences in the territories of the Parties.

The Convention derogates from the principle of territoriality by empowering a Party in whose territory a road traffic offence has been committed to choose between instituting proceedings itself or requesting the State of residence of the offender to prosecute the offence.

A list of offences to which the Convention applies appears in Annex 1, named the "Common Schedule of Road Traffic Offences".

\* \* \*

**European Agreement for the Prevention of Broadcasts transmitted from Stations outside National Territories** ([ETS No. 53](#)), open for signature, in Strasbourg, on 22 January 1965.

Entry into force: 19 October 1967.

The Agreement aims to prevent the establishment of broadcasting stations which are installed or maintained on board ship, aircraft, or any other floating or airborne objects and which, outside national territories, transmit broadcasts intended for reception within the territory of one of the Parties.

\* \* \*

**Protocol to the European Agreement on the Protection of Television Broadcasts** ([ETS No. 54](#)), open for signature, in Strasbourg, on 22 January 1965.

Entry into force: 24 March 1965.

The Protocol extends until 1 January 1975 the date on which no State may remain or become a Party to the Agreement (ETS No. 34) unless it is also a Party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, signed in Rome on 26 October 1961.

\* \* \*

**Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention** ([ETS No. 55](#)), open for signature, in Strasbourg, on 20 January 1966.

Entry into force: 20 December 1971.

This Protocol modifies Articles 22 and 40 of the Convention relating to the term of office of Members to be elected (*numbers in force prior to 1 November 1998*).

\* \* \*

**European Convention providing a Uniform Law on Arbitration** ([ETS No. 56](#)), open for signature, in Strasbourg, on 1 January 1966.

Entry into force: The Convention will enter into force following the third ratification.

With this Convention, each Party undertakes to incorporate in its law, within six months of the date of entry into force of this Convention in respect of that Party, the provisions of the uniform law contained in Annex I to this Convention and relating to arbitration.

The aim of the Convention is the unification of national laws in order to enable a more effective settlement of private law disputes by arbitration and to facilitate commercial relations between the member States of the Council of Europe.

\* \* \*

**European Convention on Establishment of Companies** ([ETS No. 57](#)), open for signature, in Strasbourg, on 20 January 1966.

Entry into force: The Convention will enter into force following the fifth ratification.

The aim of the Convention is to promote the process of unification by the conclusion of a regional convention, of common rules for the treatment to be accorded to companies and other bodies of each member State in the territory of the others.

\* \* \*

**European Convention on the Adoption of Children** ([ETS No. 58](#)), open for signature, in Strasbourg, on 24 April 1967.

Entry into force: 26 April 1968.

The Convention ensures that national law on the protection of children applies not only to adoptions of children from the Parties but also to those of children from other States.

The Convention contains a core of essential provisions on adoption practice which each Party undertakes to incorporate in its legislation, and a list of supplementary provisions to which Parties are free to give effect. Thus, under the Convention's essential provisions, adoption must be granted by a judicial or administrative authority, the decision to authorise the adoption of a child must be freely accepted by the parents and the adoption must be in the interest of the child.

Furthermore, after adoption:

- the adopter has, in respect of the adopted person, the rights and obligations of every kind that a father or mother has in respect of a child born in lawful wedlock;
- as a general rule, the child shall be able to acquire the surname of the adopter;
- in matters of succession, an adopted child is treated as if he\she were a child of the adopter born in lawful wedlock;
- acquisition by the child of the nationality of the adoptive parents is facilitated.

The supplementary provisions relate, *inter alia*, to measures which may be taken, to include the social and legal aspects of adoption in the curriculum for the training of social workers, to enable adoption to take place without the identity of the adopter being disclosed to the child's family, and to enable adoption proceedings to take place in camera.

\* \* \*

**European Agreement on the Instruction and Education of Nurses** ([ETS No. 59](#)), open for signature, in Strasbourg, on 25 October 1967.

Entry into force: 7 August 1969.

The goal of this Agreement is to harmonise the instruction and education of nurses with a view to promoting social progress and guarantee the standards required of nurses for their establishment in the territory of other Parties without discrimination.

\* \* \*

**European Convention on Foreign Money Liabilities** ([ETS No. 60](#)), open for signature, in Paris, on 11 December 1967.

Entry into force: The Convention will enter into force following the third ratification.

The aim of the Convention is to harmonise certain rules relating to foreign money liabilities.

\* \* \*

**European Convention on Consular Functions** ([ETS No. 61](#)) and its **Protocols** ([ETS No. 61A](#) and [No. 61B](#)), open for signature, in Paris, on 11 December 1967.

Entry into force: 9 June 2011.

The Convention sets out certain rules for consular relations between member States, while taking account of the worldwide Vienna Convention on Consular Relations of 1963. It defines the general functions of consuls to protect the rights and promote the interests of their nationals and their country within their district. It also lays down rules for the issue or delivery of documents, the administration of estates and assistance to shipping.

Protocol<sup>5</sup> (ETS No. 61A) extends the provisions of the Convention to refugees.

Protocol<sup>6</sup> (ETS No. 61B) extends the provisions of the Convention to civil aircraft.

\* \* \*

**European Convention on Information on Foreign Law** ([ETS No. 62](#)), open for signature, in London, on 7 June 1968.

Entry into force: 17 December 1969.

Under the terms of the Convention, the Parties undertake to supply information, when problems of foreign law arise into course of legal proceedings, concerning their law and procedure in civil and commercial fields as well as on their judicial system.

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<sup>5</sup> Protocol to the European Convention on Consular Functions concerning the Protection of Refugees (ETS No. 61A), open for signature, in Strasbourg, on 11 December 1967.

<sup>6</sup> Protocol to the European Convention on Consular Functions relating to Consular Functions in respect of Civil Aircraft (ETS No. 61B), open for signature, in Strasbourg, on 11 December 1967.

Each Party is to set up or appoint two bodies: a "receiving agency", to receive requests for information from another Party and to take action on its request, and a "transmitting agency" to receive requests for information from its judicial authorities and to transmit them to the competent foreign receiving agency. The names and addresses of these bodies are communicated by the Secretary General of the Council of Europe to the Parties.

\* \* \*

**European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers** ([ETS No. 63](#)), open for signature, in London, on 7 June 1968.

Entry into force: 14 August 1970.

Under this Convention, Parties undertake to exempt from any legalisation documents or certificates executed by diplomatic agents or consular offices of a Party. The Parties have to establish a system for the verification, where necessary, of the authenticity of documents to which this Convention applies.

\* \* \*

**European Agreement on the Restriction of the Use of certain Detergents in Washing and Cleaning Products** ([ETS No. 64](#)), open for signature, in Strasbourg, on 16 September 1968.

Entry into force: 16 February 1971.

The Agreement aims to ensure the control of freshwater pollution not only from the standpoint of human needs but also to ensure the protection of nature in general. The Parties undertake to adopt measures, including legislative ones, to ensure that washing or cleaning products containing one or more synthetic detergents are not put on the market unless the detergents in the product considered are, as a whole, at least 80% susceptible to biological degradation.

\* \* \*

**European Convention for the Protection of Animals during International Transport** ([ETS No. 65](#)), open for signature, in Paris, on 13 December 1968.

Entry into force: 20 February 1971.

The Convention sets compulsory norms for space, ventilation and hygiene, transportation means, food and water, loading and unloading of animals and veterinary assistance for the international transport of animals.

\* \* \*

**European Convention on the Protection of the Archaeological Heritage** ([ETS No. 66](#)), open for signature, in London, on 6 May 1969.

Entry into force: 20 November 1970.

The Convention applies to all remains and objects, or any other traces of human existence, which bear witness to epochs and civilisations for which excavations and discoveries are the main source, or one of the main sources, of scientific information.

The Parties accept to delimit and protect sites and areas of archaeological interest and to create reserve zones for the preservation of material evidence to be excavated later. The Parties undertake, as far as possible, to prohibit and restrain illicit excavations, to take the necessary measures to ensure that excavations are authorised and entrusted only to qualified persons, as well as to control and protect the results obtained. Moreover, the Parties accept to take measures to ensure scientific publication concerning excavation and discoveries, to facilitate the circulation of archaeological objects for scientific, cultural, and educational purposes and to endeavour to raise public awareness of the historical and cultural value of the archaeological heritage and the necessity to preserve it.

The Convention emphasises the principle of international co-operation, namely in the field of international circulation of archaeological objects (i.e. State control concerning acquisition policy by museums).

\* \* \*

**European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights ([ETS No. 67](#))**, open for signature, in London, on 6 May 1969.

Entry into force: 17 April 1971.

The Agreement requires Parties to ensure that persons participating in proceedings instituted under the Convention on Human Rights (agents, advisors, advocates, applicants, delegates, witnesses and experts) enjoy immunity from legal process in respect of their acts before the Court and Commission, as well as freedom to correspond with those organs and freedom to travel for the purpose of attending the proceedings.

\* \* \*

**European Agreement on Au Pair Placement ([ETS No. 68](#))**, open for signature, in Strasbourg, on 24 November 1969.

Entry into force: 30 May 1971.

The purpose of this Agreement is to avoid certain drawbacks of "au pair" placement, and to this end it contains precise provisions on the relationship between the host family and the young person placed "au pair" (who is considered to be neither a worker nor a student). Some provisions must be applied (e.g. the requirement that there be a written agreement, the rules on the obligations of the two sides in respect of working hours, free time, pocket money, etc.). The Council of Europe has drawn up a model contract for young persons placed "au pair".

\* \* \*

**European Agreement on continued Payment of Scholarships to students studying abroad ([ETS No. 69](#))**, open for signature, in Paris, on 12 December 1969.

Entry into force: 2 October 1971.

The Agreement aims at encouraging the exchange of students between Parties through the application by national authorities of student scholarship schemes also for study periods in other Parties.

\* \* \*

**European Convention on the International Validity of Criminal Judgments ([ETS No. 70](#))**, open for signature, in The Hague, on 28 May 1970.

Entry into force: 26 July 1974.

Under the Convention, each Party acquires competence to enforce a sanction imposed in another Party, provided that the requesting State has submitted a request for enforcement, that under the law of the requested State the act for which the sanction was imposed would be an offence, and that the judgment delivered by a requesting State is final and enforceable.

One of the significant aims of the Convention is to promote the rehabilitation of the offender.

\* \* \*

**European Convention on the Repatriation of Minors ([ETS No. 71](#))**, open for signature, in The Hague, on 28 May 1970.

Entry into force: 28 July 2015.

This Convention shall apply to minors in the territory of a Contracting State whose repatriation is requested by another Contracting State for one of the following reasons:

- a. the presence of the minor in the territory of the requested State is against the will of the person or persons having parental authority in respect of him;
- b. the presence of the minor in the territory of the requested State is incompatible with a measure of protection or re-education taken in respect of him by the competent authorities of the requesting State;
- c. the presence of the minor is necessary in the territory of the requesting State because of the institution of proceedings there with a view to taking measures of protection and re-education in respect of him.

This Convention shall also apply to the repatriation of minors whose presence in its territory a Contracting State deems to be incompatible with its own interests or with the interests of the minors concerned, provided that its legislation authorises removal of the minor from its territory.

\* \* \*

**Convention relating to Stops on Bearer Securities in International Circulation** ([ETS No. 72](#)), open for signature, in The Hague, on 28 May 1970.

Entry into force: 11 February 1979.

The Convention aims to ensure the protection of bearer securities in international circulation. To this end, it institutes a system of stops on bearer securities with effect in the territories of all the Parties.

\* \* \*

**European Convention on the Transfer of Proceedings in Criminal Matters** ([ETS No. 73](#)), open for signature, in Strasbourg, on 15 May 1972.

Entry into force: 30 March 1978.

Under this Convention any Party may request another Party to take proceedings against a suspected person in its stead.

Such a request may be made: if the suspected person is normally resident in the requested State or if he/she is a national of that State; if he/she is to serve a prison sentence or face other proceedings in that State; if the transfer of proceedings is warranted in the interests of a fair trial or if the enforcement in the requested State of a sentence, if one were passed, is likely to improve the prospects of his/her social rehabilitation.

The requested State may not refuse acceptance of the request except in specific cases and in particular if it considers that the offence is of a political nature or that the request is based on considerations of race, religion or nationality.

\* \* \*

**European Convention on State Immunity** ([ETS No. 74](#)) and its **Protocol** ([ETS No. 74A](#)), open for signature, in Basel, on 16 May 1972.

Entry into force: 11 June 1976.

The Convention aims to establish common rules relating to the scope of the immunity of one Party from the jurisdiction of the courts of another Party.

It specifies the cases in which a Party may not claim immunity before foreign courts. This applies when the Party in question accepts the jurisdiction of the court and in proceedings relating to work contracts, participation in a company or association, industrial, commercial or financial activities; rights over immovable property in the State where the court is situated; redress for injury to persons or damage to property. The Convention specifies the rules concerning the proceedings against a Party in a court of another Party and the effects of judgments that Parties agreed to give them.

The Additional Protocol<sup>7</sup> (ETS No. 74A) completes the Convention by the addition of provisions concerning a European procedure for the settlement of disputes.

\* \* \*

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<sup>7</sup> Additional Protocol to the European Convention on State Immunity, open for signature, in Basel, on 16 May 1972.

**European Convention on the Place of Payment of Money Liabilities** ([ETS No. 75](#)), open for signature, in Basel, on 16 May 1972.

Entry into force: The Convention will enter into force following the fifth ratification.

The aim of the Convention is to harmonise certain rules relating to the place of payment of money liabilities.

\* \* \*

**European Convention on the Calculation of Time-Limits** ([ETS No. 76](#)), open for signature by members of the Council of Europe, in Basel, on 16 May 1972.

Entry into force: 28 April 1983.

The goal of this Convention to harmonise European rules on calculation of time-limits both for domestic and international purposes.

The rules laid down apply to time-limits established by law, by a judicial authority or administrative authority, by an arbitral body or by parties to a contract.

\* \* \*

**Convention on the Establishment of a Scheme of Registration of Wills** ([ETS No. 77](#)), open for signature, in Basel, on 16 May 1972.

Entry into force: 20 March 1976.

This Convention allows a testator to register his will with the competent authorities not only in a State of his residence, but also in other Parties. The Convention provides that each Party shall establish or appoint one or more bodies responsible for the registration provided for by the Convention. These bodies will be in charge, after the death of the testator, of answering requests for information providing from the persons concerned.

Each Party appoints a national body which shall facilitate the international co-operation on this matter.

\* \* \*

**European Convention on Social Security** ([ETS No. 78](#)) and its **Supplementary Agreement** ([ETS No. 78A](#)), open for signature, in Paris, on 14 December 1972.

Entry into force: 1 March 1977.

The basis of the European Convention on Social Security consists of the four basic principles of international social security law, to wit: equality of treatment, single set of legislation applicable, maintenance of acquired rights and rights in the course of acquisition, and the payment of benefits abroad.

The following parts of the Convention are immediately applicable:

- the general provisions, covering, in particular, the definition of the substantive and personal field of application of the Convention and the fundamental principles of equality of treatment and maintenance of acquired rights;
- the provisions which determine the legislation applicable;
- the parts concerning the cumulation of periods conferring entitlement and the calculation of benefits in all branches covered by the Convention;
- the special provisions governing invalidity, old age and survivors pensions, and compensation for occupational accidents and diseases; and
- the miscellaneous, transitional and final provisions.

The application of special provisions concerning sickness and maternity, unemployment and family benefits, with the exception of the cumulation of periods, however, remains subject to the conclusion of bilateral or multilateral agreements between the Parties.

The Convention is applicable to all legislation relating to the branches of social security concerning:

- a. sickness and maternity benefits;
- b. invalidity benefits;
- c. old-age benefits;
- d. survivors benefits;
- e. occupational injury and disease benefits;
- f. death grants;
- g. unemployment benefits;
- h. family benefits.

The Convention applies to all persons who are nationals of a Party - as well as refugees or stateless persons resident in the territory of a Party - and who are or have been subject to the legislation of one or more of the Parties, as well as the members of their families and their survivors. The provisions of the Convention shall also be applicable to the survivors of persons who, without having been nationals of a Party, were subject to the legislation of one or more of the Parties, where the survivors are nationals of a Party.

The Supplementary Agreement<sup>8</sup> contains the provisions necessary for the application of the Convention norms which are immediately applicable. It covers, among other things, relations among social security institutions and procedure to be followed for settling and paying benefits that are due in conformity with the Convention. It also acts as a guide for the Convention provisions which will not be applicable until bilateral agreements have been concluded.

\* \* \*

**European Convention on Civil Liability for Damage caused by Motor Vehicles ([ETS No. 79](#))**, open for signature, in Strasbourg, on 14 May 1973.

Entry into force: The Convention will enter into force following the third ratification.

The Convention introduces stricter liability on a European scale for keepers of vehicles with regard to victims of road accidents. This liability is no longer associated with the concept of "fault" but based on the principle of "risk" due to the very fact of driving the vehicle.

The primary objectives of the Convention are to improve the situation of victims of road accidents and to adopt a system acceptable to the majority of member States.

\* \* \*

**Agreement on the Transfer of Corpses ([ETS No. 80](#))**, open for signature, in Strasbourg, on 26 October 1973.

Entry into force: 11 November 1975.

The Agreement provides for the simplification of formalities required for the international transfer of corpses, through a uniform mortuary "*laissez-passer*". To this end, it sets out the maximum conditions that a Party can require for the dispatch, transit and admission of corpses on its territory.

\* \* \*

**Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts ([ETS No. 81](#))**, open for signature, in Strasbourg, on 14 January 1974.

Entry into force: 31 December 1974.

The Protocol extends until 1 January 1985 the date on which no State may remain or become a Party to the Agreement (ETS No. 34) unless it is also a Party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, signed in Rome on 26 October 1961.

\* \* \*

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<sup>8</sup> Supplementary Agreement for the Application of the European Convention on Social Security (ETS No. 78A), open for signature, in Strasbourg, on 14 December 1972.

**European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes** ([ETS No. 82](#)), open for signature, in Strasbourg, on 25 January 1974.

Entry into force: 27 June 2003.

The aim of this Convention is to ensure that the punishment of crimes against humanity and the most serious violations of the laws and customs of war is not prevented by statutory limitations whether in relation to prosecution or to the enforcement of the punishment of the following offences, or to the enforcement of the sentences imposed for such offences, in so far as they are punishable under its domestic law:

1. the crimes against humanity specified in the Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 by the General Assembly of the United Nations;
2. a. the violations specified in Article 50 of the 1949 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Article 51 of the 1949 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Article 130 of the 1949 Geneva Convention relative to the Treatment of Prisoners of War and Article 147 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War,  
b. any comparable violations of the laws of war having effect at the time when this Convention enters into force and of customs of war existing at that time, which are not already provided for in the above-mentioned provisions of the Geneva Conventions;
3. any other violation of a rule or custom of international law which may hereafter be established and which the Contracting State concerned considers according to a declaration under Article 6 as being of a comparable nature to those referred to in paragraphs 1 or 2 of this article.

\* \* \*

**European Convention on the Social Protection of Farmers** ([ETS No. 83](#)), open for signature, in Strasbourg, on 6 May 1974.

Entry into force: 17 June 1977.

The Convention provides social protection for rural populations similar to that enjoyed by other groups of the population.

\* \* \*

**European Agreement on the Exchange of Tissue-Typing Reagents** ([ETS No. 84](#)), open for signature, in Strasbourg, on 17 September 1974.

Entry into force: 23 April 1977.

For the purpose of this Agreement, the Parties undertake to make tissue-typing reagents available to other Parties who are in need of them, by the most direct route, subject to the condition that no profit is made on them and that they shall be used solely for medical and scientific purposes and free of import duties.

\* \* \*

**European Convention on the Legal Status of Children born out of Wedlock** ([ETS No. 85](#)), open for signature, in Strasbourg, on 15 October 1975.

Entry into force: 11 August 1978.

The object of the rules embodied in this Convention is to bring the legal status of children born out of wedlock into line with that of children born in wedlock and thereby to contribute to the harmonisation of the relevant legislation of Parties. However, as not all Parties are able to achieve this objective immediately, the Convention provides for a system of reservations enabling Parties to work towards it gradually. Reservations may be made in respect of a maximum of three of the nine articles entailing an obligation, but such reservations are valid for a maximum of five years, after which they have to be reconsidered. The Convention's main provisions relate to paternal and maternal affiliation, recognition, denial and contesting of paternity, the assignment of parental responsibilities and the children's succession rights.

\* \* \*

**Additional Protocol to the European Convention on Extradition ([ETS No. 86](#))**, open for signature, in Strasbourg, on 15 October 1975.

Entry into force: 20 August 1979.

The European Convention on Extradition (ETS No. 24) bars extradition in respect of all political offences. While it does not define the notion of political offence, it excludes from the scope of such offences the taking of the life of a head of State. The Protocol further limits the scope of such offences by excluding also war crimes and crimes against humanity.

Moreover, the Protocol supplements the provisions of the Convention that deal with the principle *ne bis in idem*, namely its Article 9, by enlarging the number of instances in which the extradition of a person is barred where that person has already been tried for the offence in respect of which the extradition claim was made.

\* \* \*

**European Convention for the Protection of Animals kept for Farming Purposes ([ETS No. 87](#))**, open for signature, in Strasbourg, on 10 March 1976.

Entry into force: 10 September 1978.

The Convention applies to animals bred or kept for the production of food, wool, skin or fur or for other farming purposes. It concerns in particular animals in intensive stock-farming systems.

The protection guaranteed by the Convention aims to avoid unnecessary suffering or injury, having regard to the condition of housing, food or administered care. To preserve well-being of animals, the Convention imposes on Parties the obligations to inspect the condition and state of health of animals and the technical equipment used in intensive stock-farming systems.

The Convention establishes Standing Committee which monitors its application. The Committee is responsible for the elaboration and adoption of the recommendations to the Parties, to express an advisory opinion, to facilitate a friendly settlement of any difficulty which may arise between Parties concerning the implementation of this Convention and to submit to the Committee of Ministers a report on its work and on the functioning of the Convention.

\* \* \*

**European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle ([ETS No. 88](#))**, open for signature, in Brussels, on 3 June 1976.

Entry into force: 28 April 1983.

Under the terms of this Convention, a Party which has ordered any final measure designed to restrict the right to drive of a driver who has committed a road traffic offence must notify without delay the Party which delivered the driving licence and the Party in whose territory the offender is habitually resident. Consequently, any Party which has been thus notified may, in accordance with its law, execute the order.

\* \* \*

**Additional Protocol to the European Agreement on the Exchange of Tissue-Typing Reagents ([ETS No. 89](#))**, open for signature, in Strasbourg, on 24 June 1976.

Entry into force: 23 April 1977.

The Additional Protocol provides for the European Union to become a Contracting Party to the Agreement (ETS No. 84) by signing it.

\* \* \*

**European Convention on the Suppression of Terrorism** ([ETS No. 90](#)), open for signature, in Strasbourg, on 27 January 1977.

Entry into force: 4 August 1978.

The Convention is designed to facilitate the extradition of persons having committed acts of terrorism. To this end, it lists the offences that Parties undertake not to consider as political offences, or as offences connected with political offences, or as offences inspired by political motives, namely acts of particular gravity, hijacking of aircraft, kidnapping and taking of hostages, the use of bombs, grenades, rockets, letter or parcel bombs, if their use endangers persons. Moreover, the Convention empowers Parties not to consider as a political offence any act of violence against the life, physical integrity or liberty of a person.

It is expressly provided that nothing in the Convention shall be interpreted as imposing an obligation upon a Party to extradite a person who might then be prosecuted or punished solely on the grounds of race, religion, nationality or political opinion.

\* \* \*

**European Convention on Products Liability in regard to Personal Injury and Death** ([ETS No. 91](#)), open for signature, in Strasbourg, on 17 January 1977.

Entry into force: The Convention will enter into force following the third ratification.

The Convention constitutes a major element to ensure better protection of the public and, at the same time, to take producers' legitimate interests into account.

The aim of this Convention is to assist the development of case law in the majority of member States, which are extending liability of producers prompted by a desire to protect consumers taking into account the new production techniques and marketing and sales methods, by giving priority to compensation for personal injury and death in introducing special rules on the liability of producers at European level.

\* \* \*

**European Agreement on the Transmission of Applications for Legal Aid** ([ETS No. 92](#)), open for signature, in Strasbourg, on 27 January 1977.

Entry into force: 28 February 1977.

The Agreement is designed to eliminate economic obstacles to proceedings and to permit persons in an economically weak position more easily to exercise their rights Parties. Accordingly, the Agreement provides that persons having their habitual residence in the territory of a Party may apply for legal aid in civil, commercial or administrative matters in the territory of another Party to the Agreement. The Agreement sets out the procedure to be followed and, in particular, makes it possible for the person concerned to submit an application through the intermediary of the State of habitual residence.

\* \* \*

**European Convention on the Legal Status of Migrant Workers** ([ETS No. 93](#)), open for signature, in Strasbourg, on 24 November 1977.

Entry into force: 1 May 1983.

This Convention is concerned with the principal aspects of the legal situation of migrant workers, in particular recruitment, medical examinations, occupational tests, travel, residence permits, work permits, the reuniting of families, working conditions, the transfer of savings and social security, social and medical assistance, the expiry of work contracts, dismissal and re-employment.

A Consultative Committee was instituted to examine Parties' reports on the application of the Convention. On the basis of these documents, the Consultative Committee draws up reports for the attention of the Committee of Ministers.

\* \* \*

**European Convention on the Service Abroad of Documents relating to Administrative Matters (ETS No. 94)**, open for signature, in Strasbourg, on 24 November 1977.

Entry into force: 1 November 1982.

The Convention aims to set out a legal basis for mutual assistance with regard to the service of documents relating to administrative matters. However, the Parties may extend its application to fiscal matters or to any proceedings in respect of offences the punishment of which does not fall within the jurisdiction of their judicial authorities.

The Convention lays down rules to be respected as regards requests for service, exemption from legalisation, language, and service by consular agents, post or other channels of transmission.

Each Party is to designate a central authority to receive and take action on requests for service of documents relating to administrative matters emanating from other Parties.

\* \* \*

**Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (ETS No. 95)**, open for signature, in Strasbourg, on 24 November 1977.

Entry into force: 8 September 1978.

The Protocol modifies certain provisions of the Convention so that a person possessing as a matter of right more than one nationality should be able to renounce by mere declaration of will the nationality of a Party in whose territory he has no ordinary residence.

It takes account of the trend of law concerning the nationality of married women and treats as withdrawn reservations made under the Convention in relation to married women.

The Protocol clarifies the provision of the Convention as regards military obligations of persons possessing multiple nationality.

\* \* \*

**Additional Protocol to the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality (ETS No. 96)**, open for signature, in Strasbourg, on 24 November 1977.

Entry into force: 17 October 1983.

The Additional Protocol to the Convention (ETS No. 43) provides that Parties are to communicate each other any acquisition of their nationality by an adult or a minor who is a national of another Party.

To this end, each Party is to designate the central authority which has been designated to receive this communication.

\* \* \*

**Additional Protocol to the European Convention on Information on Foreign Law (ETS No. 97)**, open for signature, in Strasbourg, on 15 March 1978.

Entry into force: 31 August 1979.

The Additional Protocol is designed to extend to the field of criminal law and procedure the system of international exchange of information established by the Convention (ETS No. 62).

Parties undertake to supply one another with information on their substantive and procedural law and judicial organisation in the criminal field, including prosecuting authorities, as well as on the law concerning the enforcement of penal measures. This undertaking applies to all proceedings in respect of offences the prosecution of which, at the time of the request for information, falls within the jurisdiction of the judicial authorities of the requesting Party.

The Protocol aims at eliminating economic obstacles to legal proceedings (in the field of legal aid and advice in

civil and commercial matters), and to permit persons in an economically weak position more easily to exercise their rights.

\* \* \*

**Second Additional Protocol to the European Convention on Extradition** ([ETS No. 98](#)), open for signature, in Strasbourg, on 17 March 1978.

Entry into force: 5 June 1983.

The Second Protocol is designed to facilitate the application of the Convention on several points and aims, in particular, to include fiscal offences among the category of offences for which a person may be extradited under the Convention. This Protocol also contains additional provisions on judgments *in absentia* and amnesty.

\* \* \*

**Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters** ([ETS No. 99](#)), open for signature, in Strasbourg, on 17 March 1978.

Entry into force: 12 April 1982.

The Protocol completes provisions contained in the Convention (ETS No. 30). It withdraws the possibility offered by the Convention to refuse assistance solely on the ground that the request concerns an offence which the requested Party considers a fiscal offence. It extends international co-operation to the service of documents concerning the enforcement of a sentence and similar measures (suspension of pronouncement of a sentence, conditional release, deferment of commencement of enforcement of a sentence or interruption of such enforcement). Finally, it adds provisions relating to the exchange of information on judicial records.

\* \* \*

**European Convention on the Obtaining Abroad of Information and Evidence in Administrative Matters** ([ETS No. 100](#)), open for signature, in Strasbourg, on 15 March 1978.

Entry into force: 1 January 1983.

Parties undertake to afford each other mutual assistance in administrative matters. Each Party designates a central authority to forward requests for assistance, and another to receive and take action on incoming requests. The request may concern information on law, regulations and customs, factual information and documents, as well as evidence to be used in judicial proceedings. Under certain conditions, Parties may obtain evidence in an administrative matter directly through their diplomatic or consular agents.

\* \* \*

**European Convention on the Control of the Acquisition and Possession of Firearms by Individuals** ([ETS No. 101](#)), open for signature, in Strasbourg, on 28 June 1978.

Entry into force: 1 July 1982.

The aim of the Convention is to set up a system for controlling the movements of firearms from one country to another. It applies in all cases where a firearm located in the territory of a Party is sold, transferred or otherwise disposed of to a person resident in the territory of another Party, or where it is transferred permanently and without change in the possession thereof to the territory of another Party.

The Convention offers two alternative methods of controlling the movement of firearms:

1. the "notification" system, with an obligation on the Party in which the firearm was originally located to notify the Party on the territory of which the person is resident of the sale, transfer or other transaction;
2. the "double authorization" system, whereby the transaction may not take place without the previous agreement of the two States concerned.

The Parties also undertake to afford each other mutual assistance in the suppression of illegal traffic and in the tracing and locating of firearms transferred from the territory of one State to the territory of another.

\* \* \*

**European Convention for the Protection of Animals for Slaughter** ([ETS No. 102](#)), open for signature, in Strasbourg, on 10 May 1979.

Entry into force: 11 June 1982.

The main purpose of the Convention is to help harmonise methods of slaughter in Europe and make them more humane.

The first set of provisions impose a number of obligations concerning the treatment of animals in slaughterhouses: use of suitable equipment for unloading animals; no brutalising or ill-treatment of animals, and in particular no striking of sensitive parts of their bodies; lairaging and care for animals which are not slaughtered immediately on arrival; provision of the requisite facilities at slaughterhouses.

As regards the slaughter operation, the Convention stipulates that all animals must be stunned before being bled. Stunning of large animals must be effected by means of a pistol (an instrument which administers a blow or penetrates at the level of the brain), by electro-narcosis or by gas. The use of a poleaxe, hammer or puntilla is prohibited by the Convention. Furthermore, large animals must neither be suspended nor have their movements restricted before being stunned. Where there are exceptions to these rules (ritual slaughter, emergency slaughter, slaughter of poultry and rabbits, etc.), slaughter must be done in such a way as to spare the animals any unnecessary suffering. These last provisions apply equally to slaughter in places other than slaughterhouses.

\* \* \*

**Additional Protocol to the European Convention for the Protection of Animals during International Transport** ([ETS No. 103](#)), open for signature, in Strasbourg, on 10 May 1979.

Entry into force: 7 November 1989.

The Additional Protocol amends the Convention (ETS No. 65) to allow the European Union to become a Contracting Party to this Convention by signing it.

\* \* \*

**Convention on the Conservation of European Wildlife and Natural Habitats** ([ETS No. 104](#)), open for signature, in Bern, on 19 September 1979.

Entry into force: 1 June 1982.

The Convention aims to ensure conservation of wild flora and fauna species and their habitats. Special attention is given to endangered and vulnerable species, including endangered and vulnerable migratory species specified in appendices.

The Parties undertake to take all appropriate measures to ensure the conservation of the habitats of the wild flora and fauna species. Such measures should be included in the Parties planning and development policies and pollution control, with particular attention to the conservation of wild flora and fauna. The Parties undertake to promote education and disseminate general information concerning the need to conserve species of wild flora and fauna and their habitats.

The Convention establishes a Standing Committee on which the Parties are represented by their delegates. The Committee's principal task is to monitor the provisions of this Convention in the light of development of the wild flora and the assessment of its needs. For this purpose, the Standing Committee is especially competent to make recommendations to the Parties and amendments to the appendices where these protected species are specified.

\* \* \*

**European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children** ([ETS No. 105](#)), open for signature, in Luxembourg, on 20 May 1980.

Entry into force: 1 September 1983.

The Convention protects custody and access rights in international situations and provides for free, prompt, non-bureaucratic assistance from central authorities designated by each Party in discovering the whereabouts and restoring custody of a child improperly removed.

Application for the restoration of custody of a child may be made directly either to a court or to the central authorities of any Party concerned. Central authorities are required, *inter alia*:

- to assist the applicants in their action;
- to discover the whereabouts of the child;
- to avoid, in particular by any necessary provisional measures, prejudice to the interests of the child or of the applicant;
- to secure the recognition or enforcement of the custody decision;
- to secure the delivery of the child to the applicant where enforcement is granted.

The Convention deals with various situations and offers specific solutions. For instance, if application is made within six months of the improper removal of a child, restoration of custody is to be immediate and subject to no condition other than the establishment of the facts:

- that the child was improperly removed, that the child and both parents had as their sole nationality the nationality of the State in which the decision on custody was made and that, in addition, the child had his habitual residence in that State or
- that the child has not been repatriated after the exercise of access abroad, in violation of the conditions governing exercise of the right of access.

If these conditions are not met but the application is lodged within the six-month time-limit, restoration of custody is subject to stricter conditions. Once the six-month time-limit has expired, restoration of custody is subject to more numerous conditions, since the child may already be integrated into a different environment.

\* \* \*

**European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities** ([ETS No. 106](#)), open for signature, in Madrid, on 21 May 1980.

Entry into force: 22 December 1981.

The Convention is intended to encourage and facilitate the conclusion of cross-border agreements between local and regional authorities within the scope of their respective powers. Such agreements may cover regional development, environmental protection, the improvement of public services, etc., and may include the setting up of transfrontier associations or consortia of local authorities.

To allow for variations in the legal and constitutional systems in the Council of Europe's member States, the Convention sets out a range of model agreements to enable both local and regional authorities as well as States to place transfrontier co-operation in the context best suited to their needs.

Under the Convention, Parties undertake to seek ways of eliminating obstacles to transfrontier co-operation and to grant to authorities engaging in international co-operation the facilities they would enjoy in a purely national context.

\* \* \*

**European Agreement on Transfer of Responsibility for Refugees** ([ETS No. 107](#)), open for signature, in Strasbourg, on 16 October 1980.

Entry into force: 1 December 1980.

The Agreement aims to secure the adoption of standard rules to determine which State is to assume the responsibility for a refugee, in particular in connection with the issue of travel documents. The Agreement lays

down, among other things, the conditions in which responsibility for issuing a travel document is transferred from one Party to another when a refugee changes his/her place of residence.

\* \* \*

**Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data** ([ETS No. 108](#)), open for signature, in Strasbourg, on 28 January 1981.

Entry into force: 1 October 1985.

This Convention is the first binding international instrument which protects the individual against abuses which may accompany the collection and processing of personal data and which seeks to regulate at the same time the transfrontier flow of personal data.

In addition to providing guarantees in relation to the collection and processing of personal data, it outlaws the processing of "sensitive" data on a person's race, politics, health, religion, sexual life, criminal record, etc., in the absence of proper legal safeguards. The Convention also enshrines the individual's right to know that information is stored on him or her and, if necessary, to have it corrected.

Restriction on the rights laid down in the Convention are only possible when overriding interests (e.g. State security, defense, etc.) are at stake.

The Convention also imposes some restrictions on transborder flows of personal data to States where legal regulation does not provide equivalent protection.

\* \* \*

**Additional Protocol to the European Agreement on the Exchange of Therapeutic Substances of Human Origin** ([ETS No. 109](#)), open to tacit acceptance, in Strasbourg, on 1 January 1983.

Entry into force: 1 January 1985.

The Additional Protocol amends the Convention (ETS No. 26) to allow the European Union to become a Contracting Party to this Convention by signing it.

\* \* \*

**Additional Protocol to the Agreement on the Temporary Importation, free of duty, of Medical, Surgical and Laboratory Equipment for Use on free loan in Hospitals and other Medical Institutions for Purposes of Diagnosis or Treatment** ([ETS No. 110](#)), open to tacit acceptance, in Strasbourg, on 1 January 1983.

Entry into force: 1 January 1985.

The Additional Protocol amends the Convention (ETS No. 33) to allow the European Union to become a Contracting Party to this Convention by signing it.

\* \* \*

**Additional Protocol to the European Agreement on the Exchanges of Blood-Grouping Reagents** ([ETS No. 111](#)), open to tacit acceptance, in Strasbourg, on 1 January 1983.

Entry into force: 1 January 1985.

The Additional Protocol amends the Convention (ETS No. 39) to allow the European Union to become a Contracting Party to this Convention by signing it.

\* \* \*

**Convention on the Transfer of Sentenced Persons** ([ETS No. 112](#)), open for signature, in Strasbourg, on 21 March 1983.

Entry into force: 1 July 1985.

The Convention is primarily intended to facilitate the social rehabilitation of prisoners by giving foreigners convicted of a criminal offence the possibility of serving their sentences in their own countries. It is also rooted in humanitarian considerations, since difficulties in communication by reason of language barriers and the absence of contact with relatives may have detrimental effects on a person imprisoned in a foreign country.

Transfer may be requested by either the State in which the sentence was imposed (sentencing State) or the State of which the sentenced person is a national (administering State). It is subject to the consent of those two States as well as that of the sentenced person.

The Convention also lays down the procedure for enforcement of the sentence following the transfer. Whatever the procedure chosen by the administering State, a custodial sentence may not be converted into a fine, and any period of detention already served by the sentenced person must be taken into account by the administering State. The sentence in the administering State must not be longer or harsher than that imposed in the sentencing State.

\* \* \*

**Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts** ([ETS No. 113](#)), open for signature, in Strasbourg, on 21 March 1983.

Entry into force: 1 January 1985.

The Protocol extends until 1 January 1990 the date on which no State may remain or become a Party to the Agreement (ETS No. 34) unless it is also a Party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, signed in Rome on 26 October 1961.

\* \* \*

**Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty** ([ETS No. 114](#)), open for signature, in Strasbourg, on 28 April 1983.

Entry into force: 1 March 1985.

The Sixth Protocol covers the abolition of the death penalty, notably in time of war.

\* \* \*

**Protocol amending the European Agreement on the Restriction of the Use of certain Detergents in Washing and Cleaning Products** ([ETS No. 115](#)), open for signature, in Strasbourg, on 25 October 1983.

Entry into force: 1 November 1984.

The Protocol amends certain articles in the Agreement (ETS No. 64) to accommodate scientific and international developments since 1968, notably to take account of two European Community Directives adopted in March 1982 (Directives 82/242/EEC and 82/243/EEC).

\* \* \*

**European Convention on the Compensation of Victims of Violent Crimes** ([ETS No. 116](#)), open for signature, in Strasbourg, on 24 November 1983.

Entry into force: 1 February 1988.

This Convention puts upon States that become a Party to it the obligation to compensate the victims of intentional and violent offences resulting in bodily injury or death. The obligation to compensate is limited to offences committed on the territory of the State concerned, regardless of the nationality of the victim.

\* \* \*

**Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 117)**, open for signature, in Strasbourg, on 22 November 1984.

Entry into force: 1 November 1988.

Protocol No. 7 extends the list of rights protected under the Convention and its Protocols Nos. 1, 4 and 6 to include the following:

- The right of aliens to procedural guarantees in the event of expulsion from the territory of a State;
- The right of a person convicted of a criminal offence to have the conviction or sentence reviewed by a higher tribunal;
- The right to compensation in the event of a miscarriage of justice;
- The right not to be tried or punished in criminal proceedings for an offence for which one has already been acquitted or convicted (*ne bis in idem*);
- Equality of rights and responsibilities as between spouses.

\* \* \*

**Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 118)**, open for signature, in Vienna, on 19 March 1985.

Entry into force 1 January 1990.

This Protocol gives to the European Commission of Human Rights the possibility to set up Chambers, each composed of at least seven members to examine individual petitions which can be dealt with on the basis of established case law or which raise no serious question affecting the interpretation or application of the Convention.

This Protocol provides, too, that the Commission may set up committees, each composed of at least three members, with the power, exercisable by a unanimous vote, to declare inadmissible or strike from its list of cases a petition when such a decision can be taken without further examination.

These provisions do not apply to petitions from States.

\* \* \*

**European Convention on Offences relating to Cultural Property (ETS No. 119)**, open for signature, in Delphi, on 23 June 1985.

Entry into force: The Convention will enter into force following the third ratification.

Based on the concept of common responsibility and solidarity in the protection of European cultural heritage, the Convention aims to protect cultural property against criminal activities. To achieve this objective the Parties undertake to enhance public awareness of the need for protection, to co-operate in the prevention of offences against cultural property, to acknowledge the seriousness of such offences and to provide for adequate sanctions or measures with a view to co-operating in the prevention of offences relating to cultural property and in the discovery of cultural property removed.

\* \* \*

**European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120)**, open for signature, in Strasbourg, on 19 August 1985.

Entry into force: 1 November 1985.

Under the Convention, Parties undertake to co-operate between them and encourages similar co-operation between public authorities and independent sports organisations to prevent violence and control the problem of violence and misbehaviour by spectators at sports events.

To this end, it sets out a number of measures, namely: close co-operation between police forces involved; prosecution of offenders and application of appropriate penalties; strict control of ticket sales; restrictions on the sale of alcoholic drinks; appropriate design and physical fabric of stadia to prevent violence and allow effective crowd control and crowd safety.

A Standing Committee established by the Convention is empowered to make recommendations to the Parties concerning measures to be taken.

\* \* \*

**Convention for the Protection of the Architectural Heritage of Europe** ([ETS No. 121](#)), open for signature, in Grenada, on 3 October 1985.

Entry into force: 1 December 1987.

The main purpose of the Convention is to reinforce and promote policies for the conservation and enhancement of Europe's heritage. It also affirms the need for European solidarity with regard to heritage conservation and is designed to foster practical co-operation among the Parties. It establishes the principles of "European co-ordination of conservation policies" including consultations regarding the thrust of the policies to be implemented.

\* \* \*

**European Charter of Local Self-Government** ([ETS No. 122](#)), open for signature, in Strasbourg, on 15 October 1985.

Entry into force: 1 September 1988.

The Charter commits the Parties to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. It provides that the principle of local self-government shall be recognised in domestic legislation and, where practicable, in the constitution. Local authorities are to be elected in universal suffrage.

Local authorities, acting within the limits of the law, are to be able to regulate and manage public affairs under their own responsibility in the interests of the local population. Consequently, the Charter considers that public responsibilities should be exercised preferably by the authorities closest to the citizens, the higher level being considered only when the co-ordination or discharge of duties is impossible or less efficient at the level immediately below.

To this end, it sets out the principles concerning the protection of local authority boundaries, the existence of adequate administrative structures and resources for the tasks of local authorities, the conditions under which responsibilities at local level are exercised, administrative supervision of local authorities' activities, financial resources of local authorities and legal protection of local self-government.

The principles of local self-government contained in the Charter apply to all the categories of local authorities. Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among a "hard core".

\* \* \*

**European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes** ([ETS No. 123](#)), open for signature, in Strasbourg, on 18 March 1986.

Entry into force: 1 January 1991.

The Convention is designed primarily to reduce both the number of experiments and the number of animals used for such purposes. It encourages Parties not to experiment on animals except where there is no alternative. All research into alternative methods should be encouraged. Animals to be experimented on should be selected on the basis of clearly established quantitative criteria and must be well cared for and spared avoidable suffering whenever possible.

To this end, the Convention lays down a number of principles which are to be considered only as a starting point. The Parties meet regularly to examine the application of the Convention and, if appropriate, to extend or strengthen its provisions.

\* \* \*

**European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations** ([ETS No. 124](#)), open for signature, in Strasbourg, on 24 April 1986.

Entry into force: 1 January 1991.

Under this Convention, Parties agree to recognise "as of right" the legal personality and capacity as acquired in a Party where that organisation has its statutory offices.

In order to benefit from the provisions of the Convention, an international non-governmental organisation must:

- have a non profit-making aim of international utility;
- have been established by an instrument governed by the internal law of a Party;
- carry on substantive activities in at least two Parties;
- have its statutory office in the territory of a Party and central management and control in that State or in another Party.

The Convention establishes rules on the proof to be furnished to the authorities in the Party where the recognition is sought, and sets out exceptional cases in which a Party may refuse recognition, for instance where activities of the organisation in question contravene national security, public safety, or is detrimental to the prevention of disorder or crime, etc.).

\* \* \*

**European Convention for the Protection of Pet Animals** ([ETS No. 125](#)), open for signature, in Strasbourg, on 13 November 1987.

Entry into force: 1 May 1992.

The Convention aims essentially at assuring the welfare of animals, and in particular, of pet animals kept for private enjoyment and companionship.

Animals belonging to threatened species, and protected by other conventions, in particular, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, opened for signature in Washington, on 3 March 1973, and the Bern Convention (ETS No. 104), opened for signature on 19 September 1979, are thus excluded from the provisions of this text.

The Parties meet regularly to examine the application of the Convention and, if appropriate, to extend or strengthen its provisions.

\* \* \*

**European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** ([ETS No. 126](#)), open for signature, in Strasbourg, on 26 November 1987.

Entry into force: 1 February 1989.

The Convention provides for the setting up of an international committee empowered to visit all places where persons are deprived of their liberty by a public authority. The committee, composed of independent experts, may make recommendations and suggest improvements in order to strengthen, if necessary, the protection of persons visited from torture and from inhuman or degrading treatment or punishment.

This preventive, non-judicial machinery is an important addition to the system of protection already existing under the European Convention on Human Rights (ETS No. 5).

\* \* \*

**Convention on Mutual Administrative Assistance in Tax Matters** ([ETS No. 127](#)), open for signature, in Strasbourg, on 25 January 1988.

Entry into force: 1 April 1995.

This treaty allows the Parties to develop, on common foundations and respecting the basic rights of taxpayers, extensive administrative co-operation covering all compulsory taxes, with the exception of customs duty. The types

of assistance are varied, covering the exchange of information between Parties, simultaneous tax examinations and participation in tax examinations carried out in other countries, the recovery of taxes due in other Parties and notification of documents issued in other Parties.

Moreover, any State wishing to accede to the Convention may tailor the extend of its obligations, by virtue of a detailed system of reservations expressly provided for in the text; it may restrict its participation to certain types of mutual assistance or to assistance in connection with certain taxes.

This enhanced mutual assistance is intended to help combat tax evasion and is accompanied by safeguards to protect taxpayers, whether individual or corporate, and national economies. Thus, a Party may refuse to supply information when this would mean divulging trade, industrial or professional secrets, or to provide assistance in connection with a tax which it regards as incompatible with the generally accepted principles of taxation. Moreover, application of the Convention may not restrict the rights and guarantees accorded to individuals by the law of the assisting State. There are strict rules covering the secrecy of information obtained in application of the text.

\* \* \*

**Additional Protocol to the European Social Charter** ([ETS No. 128](#)), open for signature, in Strasbourg, on 5 May 1988.

Entry into force: 4 September 1992.

The Additional Protocol of 1988 extends the social and economic rights guaranteed by the European Social Charter of 1961 by adding the following rights:

- the right for workers to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex;
- the right for workers to be informed and consulted within the undertaking;
- the right for workers to take part in the determination and improvement of working conditions and the working environment in the undertaking;
- the right for elderly persons to social protection.

\* \* \*

**Arrangement for the Application of the European Agreement of 17 October 1980 concerning the Provision of Medical Care to Persons during Temporary Residence** ([ETS No. 129](#)), open for signature in Strasbourg, on 26 May 1988.

Entry into force: This Arrangement will enter into force following the second ratification.

In 1980, an Intergovernmental Conference convened by ILO adopted the European Agreement concerning the Provision of Medical Care to Persons during Temporary Residence. The Arrangement aims to facilitate the application of the Agreement.

\* \* \*

**Convention on Insider Trading** ([ETS No. 130](#)), open for signature, in Strasbourg, on 20 April 1989.

Entry into force: 1 October 1991.

The Convention provides for mutual assistance through the exchange of information between those responsible at national level for the surveillance of stock exchange transactions in order to discover and identify as rapidly as possible the preparation of irregular operations of insider trading.

Parties may, by simple declaration, extend this mutual assistance machinery to the search for those responsible for other irregular deals which could adversely affect equal access to information for all stock market traders or the quality of the information supplied to investors in order to ensure honest dealing (fraudulent financial operations, "rigging" of stock market prices, "laundering" of the proceedings of crime, etc.).

The Parties undertake to afford each other the widest measure of mutual assistance in criminal matters relating to offences involving insider trading.

\* \* \*

**Third Additional Protocol to the Protocol to the European Agreement on the Protection of Television Broadcasts** ([ETS No. 131](#)), open for signature, in Strasbourg, on 20 April 1989.

Entry into force: //

The Protocol extends until 1 January 1995 the date on which no State may remain or become a Party to the Agreement (ETS No. 34) unless it is also a Party to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, signed in Rome on 26 October 1961.

\* \* \*

**European Convention on Transfrontier Television** ([ETS No. 132](#)), open for signature, in Strasbourg, on 5 May 1989.

Entry into force: 1 May 1993.

This Convention is the first international treaty creating a legal framework for the free circulation of transfrontier television programmes in Europe, through minimum common rules, in fields such as programming, advertising, sponsorship and the protection of certain individual rights. It entrusts the transmitting States with the task of ensuring that television programme services transmitted comply with its provisions. In return, freedom of reception of programme services is guaranteed as well as the retransmission of the programme services which comply with the minimum rules of the Convention.

The Convention applies to all transfrontier programmes regardless of the technical means of transmission used (satellite, cable, terrestrial transmitters, etc.).

Its main provisions cover:

- freedom of expression, reception, and retransmission;
- right of reply (transfrontier character of this right and other comparable recourse);
- pornography, violence, incitement to racial hatred, etc. (it forbids such acts), and youth protection;
- the screening of European works, for a majority of screen time, where practicable;
- the screening of cinema films (normally not until 2 years after first showing - 1 year in the case of films co-produced by the broadcaster);
- advertising standards (e.g. prohibition on the advertising of tobacco and medicines and medical treatments available only on prescription, restrictions on the advertising of certain products such as alcoholic beverages);
- advertising time (normally not more than 15% of daily transmission time and not more than 20% of any one hour period);
- or current affairs programme lasting less than 30 minutes);
- programme sponsorship rules.

A Standing Committee composed of representatives of each Party is responsible for monitoring the application of this Convention. Proceedings of conciliation and arbitration are also provided for.

\* \* \*

**Protocol to the Convention on Insider Trading** ([ETS No. 133](#)), open for signature, in Strasbourg, on 11 September 1989.

Entry into force: 1 October 1991.

The Protocol allows Parties which are members of the European Union to apply Union rules and therefore not to apply the rules arising from this Convention (ETS No. 130) except in so far as there is no Union rule governing the particular subject concerned.

\* \* \*

**Protocol to the Convention on the Elaboration of a European Pharmacopoeia** ([ETS No. 134](#)), open for signature, in Strasbourg, on 16 November 1989.

Entry into force: 1 November 1992.

The Protocol provides for the accession of the European Union to the Convention (ETS No. 50) and sets out the modalities of its participation in the European Pharmacopoeia Commission.

\* \* \*

**Anti-Doping Convention** ([ETS No. 135](#)), open for signature, in Strasbourg, on 16 November 1989.

Entry into force: 1 March 1990.

The Convention lays down binding rules with a view to harmonising anti-doping regulations, in particular:

- making it harder to obtain and use banned substances such as anabolic steroids;
- assisting the funding of anti-doping tests;
- establishing a link between the strict application of anti-doping rules and awarding subsidies to sports organisations or individual sportsmen and sportswomen;
- regular doping control procedures during and outside competitions, including in other countries.

The Convention contains a reference list of banned substances. A monitoring group specially set up for this purpose periodically re-examines this list and monitors the application of the Convention.

\* \* \*

**European Convention on Certain International Aspects of Bankruptcy** ([ETS No. 136](#)), open for signature, in Istanbul, on 5 June 1990.

Entry into force: The Convention will enter into force following the third ratification.

The Convention provides for the following mechanisms:

- The Convention offers two possibilities when the bankrupt's assets are located in more than one State:
  - a) it enables liquidators appointed in the State in which a bankruptcy is opened to exercise some of their powers (administration, management and disposal of the debtor's assets) directly in the country in which the bankrupt's assets are located. Liquidators must, in such a case, comply with the national law of the State in which they intend to act.
  - b) it allows the opening of secondary bankruptcies. A secondary bankruptcy can be opened in any other Party in which bankrupts possess assets, without any need for their insolvency to be established, the main bankruptcy will be enough. The secondary bankruptcy is governed by the national law of the State in which it is opened.
- When the creditors are spread over several States, the Convention provides for measures whereby they may be informed, and so enabled, to lodge their claims in the bankruptcy opened in another State in a straightforward manner and with few formalities.

\* \* \*

**Fifth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe** ([ETS No. 137](#)), open for signature, in Strasbourg, on 18 June 1990.

Entry into force: 1 November 1991.

The Fifth Protocol provides that the members of the European Commission of Human Rights and of the European Court of Human Rights are exempted from taxation on salaries, emoluments and allowances paid to them by the Council of Europe.

\* \* \*

**European Convention on the General Equivalence of Periods of University Study** ([ETS No. 138](#)), open for signature, in Rome, on 6 November 1990.

Entry into force: 1 January 1991.

This Convention is the first legal instrument to have been concluded on a Europe-wide scale to make it easier for students to move from one university to another during their studies.

It constitutes the legal basis for recognition by a student's university of origin of periods spent in a university abroad, whether or not a certificate is issued attesting to them. Such recognition presupposes that there has been a prior agreement between the two universities concerned.

\* \* \*

**European Code of Social Security (Revised)** ([ETS No. 139](#)), open for signature, in Rome, on 6 November 1990.

Entry into force: The Code will enter into force following the second ratification.

The revised European Code of Social Security updates and improves the provisions of the European Code of Social Security (ETS No. 48).

The Revised Code, like its predecessor, defines European norms for social security coverage and establishes minimum levels of protection which Parties must provide in areas such as pensions, unemployment and invalidity benefits, medical care etc. The most important improvements in the new text are higher rates of cover, an extension of the level and duration of benefits, the inclusion of new benefits, relaxation of the conditions of entitlement, a larger number of preventative measures and the absence of all discrimination based on sex.

Implementation of the revised Code by States which have ratified it will be supervised by a Commission of independent experts working within the Council of Europe's framework. Parties are required, in addition, to send reports on their implementation of the Code to their most representative national organisations of employers and workers. The Parliamentary Assembly of the Council of Europe is also called upon to give an opinion on the national reports.

\* \* \*

**Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms** ([ETS No. 140](#)), open for signature, in Rome, on 6 November 1990.

Entry into force: 1 October 1994.

The Ninth Protocol affords an applicant the right to refer a case to the Court in certain circumstances.

Under Article 25 of the Convention, any person claiming to be the victim of a violation of human rights may make an application to the European Commission of Human Rights against the State responsible. If the Commission, having declared the application admissible, fails to secure a friendly settlement, it draws up a report on the facts stating its opinion as to whether there has been a breach of the Convention. Under the original Convention scheme, only the Commission and States concerned can refer cases to the Court, provided that the State against which the complaint has been lodged has recognised the jurisdiction of the Court. This Protocol enables an applicant whose petition has been the subject of a report by the Commission to request the Court to deal with the case, regardless of whether the Commission or the State concerned have referred the case to the Court.

\* \* \*

**Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime** ([ETS No. 141](#)), open for signature, in Strasbourg, on 8 November 1990.

Entry into force: 1 September 1993.

The aim of this Convention is to facilitate international co-operation and mutual assistance in investigating crime and tracking down, seizing and confiscating the proceeds thereof. The Convention is intended to assist States in attaining a similar degree of efficiency even in the absence of full legislative harmony.

Parties undertake in particular:

- to criminalise the laundering of the proceeds of crime;
- to confiscate instrumentalities and proceeds (or property the value of which corresponds to such proceeds).

For the purposes of international co-operation, the Convention provides for:

- forms of investigative assistance (for example, assistance in procuring evidence, transfer of information to another State without a request, adoption of common investigative techniques, lifting of bank secrecy etc.),
- provisional measures: freezing of bank accounts, seizure of property to prevent its removal,
- measures to confiscate the proceeds of crime: enforcement by the requested State of a confiscation order made abroad, institution by the requested State, of domestic proceedings leading to confiscation at the request of another State.

\* \* \*

**Protocol amending the European Social Charter ([ETS No. 142](#))**, open for signature, in Turin, on 21 October 1991.

Entry into force: The Protocol will enter into force after its ratification by all the Parties to the Charter (ETS No. 35).

The Amending Protocol of 1991 improves considerably the control machinery of the Charter.

The Protocol confirms the political role of the Committee of Ministers and of the Parliamentary Assembly of the Council of Europe. It clarifies the respective functions of two principal organs of control, - i.e. the European Committee of Social Rights (restricted body composed of independent persons, which decides whether or not the situations in the countries concerned are in conformity with the Charter in law and in practice) and the Governmental Committee (body composed of representatives of each of the Parties, which prepares the Committee of Ministers' work) -, and reinforced the participation of social partners and non-governmental organisations.

\* \* \*

**European Convention on the Protection of the Archaeological Heritage (Revised) ([ETS No. 143](#))**, open for signature, in Valetta, on 16 January 1992.

Entry into force: 25 May 1995.

This revised Convention updates the provisions of a previous Convention (ETS No. 66) adopted by the Council of Europe in 1969.

The new text makes the conservation and enhancement of the archaeological heritage one of the goals of urban and regional planning policies. It is concerned in particular with arrangements to be made for co-operation among archeologists and town and regional planners in order to ensure optimum conservation of archaeological heritage.

The Convention sets guidelines for the funding of excavation and research work and publication of research findings. It also deals with public access, in particular to archaeological sites, and educational actions to be undertaken to develop public awareness of the value of the archaeological heritage.

Finally, the Convention constitutes an institutional framework for pan-European co-operation on the archaeological heritage, entailing a systematic exchange of experience and experts among the various States. The Committee responsible for monitoring the application of the Convention assumes the role of strengthening and co-ordinating archaeological heritage policies in Europe.

\* \* \*

**Convention on the Participation of Foreigners in Public Life at Local Level** ([ETS No. 144](#)), open for signature, in Strasbourg, on 5 February 1992.

Entry into force: 1 May 1997.

The Convention aims to improve integration of foreign residents into the life of the community. It applies to all persons who are not nationals of the Party and who are lawfully resident on its territory.

The Convention provides that the Parties undertake to guarantee to foreign residents, on the same terms as to its own nationals, the "classical rights" of freedom of expression, assembly and association, including the right to form trade unions. Moreover, the Parties will make efforts to involve foreign residents in processes of consultation on local matters. Under some conditions provided by law, the rights of freedom of expression and of assembly may be restricted.

The Convention opens the possibility of creating consultative bodies at local level elected by the foreign residents in the local authority area or appointed by individual associations of foreign residents.

The Convention provides also that the Parties may undertake to grant to every foreign resident the right to vote in local elections, after five years of lawful and habitual residence in the host country, and to stand for election.

The Parties are to inform foreign residents about their rights and obligations in relation to local public life. Parties to the Convention must keep the Secretary General of the Council of Europe informed about developments in the participation of foreign nationals in local public life.

\* \* \*

**Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes** ([ETS No. 145](#)), open for signature, in Strasbourg, on 6 February 1992.

Entry into force: The Protocol will enter into force when all the Parties to the Convention have ratified it.

The Protocol extends the scope of the Convention (ETS No. 87) to apply also to certain aspects of developments in the area of animal husbandry, in particular in respect of biotechnology, and to the killing of animals on the farm. At the same time, it adapts some provisions of the Convention to the evolving situation in respect of animal husbandry.

\* \* \*

**Protocol No. 10 to the Convention for the Protection of Human Rights and Fundamental Freedoms** ([ETS No. 146](#)), open for signature, in Strasbourg, on 25 March 1992.

Entry into force: The Protocol will enter into force when all the Parties to the Convention have ratified it.  
*This Protocol is closed to legal acts since the entry into force of Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 155), on 1 November 1998.*

The Tenth Protocol aims at improving the Convention's supervision procedures. It changes the rule on the majority required when the Committee of Ministers is called upon to vote on whether the Convention has been violated in cases not referred to the European Court of Human Rights.

It replaces the two-thirds majority provided for in Article 32 of the Convention by a simple majority of member States.

When the new Protocol enters into force, the Committee of Ministers will take decisions relating to its judicial functions under Article 32 of the Convention by simple majority.

\* \* \*

**European Convention on Cinematographic Co-Production** ([ETS No. 147](#)), open for signature, in Strasbourg, on 2 October 1992.

Entry into force: 1 April 1994.

The aims of this Convention are to promote the development of European multilateral cinematographic co-production, to safeguard creation and freedom of expression and defend the cultural diversity of the various European countries.

In order to obtain co-production status, the work must involve at least three co-producers, established in three different Parties to the Convention. The participation of one or more co-producers who are not established in such Parties is possible, provided that their total contribution does not exceed 30% of the total cost of the production. The co-produced work must also meet the definition of a European cinematographic work set forth in Appendix II to the Convention.

Once these conditions have been fulfilled, the Convention assimilates all co-productions, which have been given the prior approval of the competent authorities of the Parties, with national films; i.e. they are entitled to the benefits granted to the latter. The Convention also covers the following: the minimum and maximum proportions of contributions from each co-producer; the right of each co-producer to co-ownership of the original, the picture and the sound; the general balance of investments and compulsory artistic and technical participation; the measures to be taken by the Parties to facilitate the production and export of the cinematographic work and the right of each Party to demand a final version of the cinematographic work in one of the languages of that Party.

\* \* \*

**European Charter for Regional or Minority Languages** ([ETS No. 148](#)), open for signature, in Strasbourg, on 5 November 1992.

Entry into force: 1 March 1998.

This treaty aims to protect and promote the historical regional or minority languages of Europe. It was adopted, on the one hand, in order to maintain and to develop the Europe's cultural traditions and heritage, and on the other, to respect an inalienable and commonly recognised right to use a regional or minority language in private and public life.

First, it enunciates objectives and principles that Parties undertake to apply to all the regional or minority languages spoken within their territory: respect for the geographical area of each language; the need for promotion; the facilitation and/or encouragement of the use of regional or minority languages in speech and writing, in public and private life (by appropriate measures of teaching and study, by transnational exchanges for languages used in identical or similar form in other States).

Further, the Charter sets out a number of specific measures to promote the use of regional or minority languages in public life. These measures cover the following fields: education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social activities and transfrontier exchanges. Each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among these measures, including a number of compulsory measures chosen from a "hard core". Moreover, each Party has to specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used in the whole or part of its territory, to which the paragraphs chosen shall apply.

Enforcement of the Charter is under control of a committee of experts which periodically examines reports presented by the Parties.

\* \* \*

**Second Protocol amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality** ([ETS No. 149](#)), open for signature, in Strasbourg, on 2 February 1993.

Entry into force: 24 March 1995.

The Second Protocol amends the Convention so as to reflect the evolution of society and adds three new situations in which persons can be allowed to retain their nationality of origin, namely: second-generation migrants, spouses of different nationalities and children whose parents have different nationalities.

\* \* \*

**Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment** ([ETS No. 150](#)), open for signature, in Lugano, on 21 June 1993.

Entry into force: The Convention will enter into force following the third ratification.

The Convention aims at ensuring adequate compensation for damage resulting from activities dangerous to the environment and also provides for means of prevention and reinstatement. It considers that the problems of adequate compensation for emissions released in one country causing damage in another country are also of an international nature.

The Convention first explains some technical terms as "dangerous activity", "dangerous substance", "genetically modified organism" and so on. The system of the Convention is based on objective liability taking into account the "polluter pays" principle. However, specific rules are provided concerning the fault of the victim, causation, joint liability of the operators of installations or sites for damage, and a compulsory financial security scheme to cover liability under the Convention.

The Convention provides that persons interested have the right to access to information held by bodies with public responsibility for the environment.

The Convention sets up a Standing Committee which is responsible for the interpretation and implementation of the Convention. The Committee may make recommendations as regards the implementation of the Convention and propose any necessary amendments to the Convention.

\* \* \*

**Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** ([ETS No. 151](#)), open for signature, in Strasbourg, on 4 November 1993.

Entry into force: 1 March 2002.

The first Protocol "opens" the Convention by providing that the Committee of Ministers of the Council of Europe may invite any non-member State to accede to it.

\* \* \*

**Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** ([ETS No. 152](#)), open for signature, in Strasbourg, on 4 November 1993.

Entry into force: 1 March 2002.

Protocol No. 2 introduces amendments of a technical nature. Provision is made for members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to be placed in one of two groups for election purposes, the aim being to ensure that one half of the Committee's membership is renewed every two years. The Protocol also provides that members of the CPT may be re-elected twice, instead of only once as at present.

\* \* \*

**European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite** ([ETS No. 153](#)), open for signature, in Strasbourg, on 11 May 1994.

Entry into force: The Convention will enter into force following 7 ratifications, including 5 member States of the Council of Europe.

The Convention intends to safeguard the rights and interests of authors (and other contributors) as regard their works (contributions) broadcasted by satellite. It aims to promote the harmonisation of the law of the member States, and the other States Parties to the European Cultural Convention. It defines the notion and act of broadcasting, the applicable law, and the field of application.

The Parties undertake to hold multilateral consultations within the Council of Europe to examine the application of this Convention and the advisability of revising it or extending any of its provisions.

\* \* \*

**Protocol to the European Convention on Social Security (ETS No. 154)**, open for signature, in Strasbourg, on 11 May 1994.

Entry into force: The Protocol will enter into force following the second ratification.

The Protocol amends certain provisions of the Convention with a view to extending its personal scope, by extending its benefit to:

- all persons who are, or have been, subject to the legislation of one or more of the Parties, as well as to members of their families and their survivors;
- and to civil servants and persons treated as such in so far as they are subject to any legislation of that Party to which this Convention applies.

\* \* \*

**Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby (ETS No. 155)**, open for signature, in Strasbourg, on 11 May 1994.

Entry into force: 1 November 1998.

Protocol No. 11 aims to rationalise the machinery for enforcement of rights and liberties guaranteed by the Convention. All alleged violations of the rights of persons are referred directly to the new permanent Court. In the majority of cases, the Court will sit in Chambers of seven judges. The Court deals with individual and inter-State petitions.

Manifestly ill-founded cases may be declared inadmissible by unanimous vote of a committee of three judges. If the Court declares the application admissible, it will pursue the examination of the case, together with the representatives of the parties, and if need be will undertake an investigation. It will also place itself at the disposal of the parties with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in the Convention and the protocols thereto.

Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases (serious questions affecting the interpretation or application of the Convention or the protocols thereto, or serious issues of general importance), request that the case be referred to the Grand Chamber. If the request is accepted, the resulting judgment of the Grand Chamber will be final. Otherwise, judgments of Chambers will become final when the parties declare that they will not request that the case be referred to the Grand Chamber, or have made no request for reference three months after the date of the judgment; or, if such a request is made, when the panel of the Grand Chamber rejects the request to refer.

The Committee of Ministers is no longer empowered to deal with the merits of cases, although it maintains its important role of ensuring that governments comply with the Court's judgments.

\* \* \*

**Agreement on Illicit Traffic by Sea, implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (ETS No. 156)**, open for signature, in Strasbourg, on 31 January 1995.

Entry into force: 1 May 2000

The Agreement is based on Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988. It sets up a basis for international co-operation between Parties, defines rules as regard competent authorities, rules governing the exercise of jurisdiction, proceedings, authorised measures, responsibilities for enforcement measures, and other general rules.

\* \* \*

**Framework Convention for the Protection of National Minorities** ([ETS No. 157](#)), open for signature, in Strasbourg, on 1 February 1995.

Entry into force: 1 February 1998.

The Convention is the first legally binding multilateral instrument concerned with the protection of national minorities in general. Its aim is to protect the existence of national minorities within the respective territories of the Parties. The Convention seeks to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity.

The Convention sets out principles relating to persons belonging to national minorities in the sphere of public life, such as freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion, and access to the media, as well as in the sphere of freedoms relating to language, education, transfrontier co-operation, etc.

\* \* \*

**Additional Protocol to the European Social Charter Providing for a System of Collective Complaints** ([ETS No. 158](#)), open for signature, in Strasbourg, on 9 November 1995.

Entry into force: 1 July 1998.

The Additional Protocol providing a system of collective complaints of 1995 is one of measures designated to improve the effective enforcement of the social rights guaranteed by the Charter.

The Protocol entitles social partners and non-governmental organisations to lodge collective complaints of violations of the Charter in States which have ratified it. The complaint is examined by the European Committee of Social Rights which declares it admissible if the formal requirements have been met. The Committee then takes a decision on the merits of the complaint, which it forwards to the parties concerned and to the Committee of Ministers in a report, which is made public within four months of its being forwarded.

On the basis of the report of the European Committee of Social Rights, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the State concerned take specific measures to bring the situation into line with the Charter.

\* \* \*

**Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities** ([ETS No. 159](#)), open for signature, in Strasbourg, on 9 November 1995.

Entry into force: 1 December 1998.

The Protocol aims to strengthen the Outline Convention by expressly recognising, under certain conditions, the right of territorial communities to conclude transfrontier co-operation agreements, the validity in domestic law of the acts and decisions made in the framework of a transfrontier co-operation agreement, and the legal corporate capacity ("legal personality") of any co-operation body set up under such an agreement.

As the general legal framework for co-operation of local/regional authorities across borders in Europe, the Outline Convention together with its Protocol will be useful to the new member States in their governmental reform processes.

\* \* \*

**European Convention on the Exercise of Children's Rights** ([ETS No. 160](#)), open for signature, in Strasbourg, on 25 January 1996.

Entry into force: 1 July 2000.

The Convention aims to protect the best interests of children. It provides a number of procedural measures to allow the children to exercise their rights. It sets up a Standing Committee which shall keep under review problems relating to this Convention.

The Convention provides for measures which aim to promote the rights of the children, in particular in family

proceedings before judicial authorities. The judicial authority, or person appointed to act before a judicial authority on behalf of a child, has a number of duties designed to facilitate the exercise of rights by children. Children should be allowed to exercise their rights (for example, the right to be informed and the right to express their views) either themselves or through other persons or bodies.

Among the types of family proceedings of special interest for children are those concerning custody, residence, access, questions of parentage, legitimacy, adoption, legal guardianship, administration of property of children, care procedures, removal or restriction of parental responsibilities, protection from cruel or degrading treatment and medical treatment.

Each Party is required to specify at least three categories of family proceedings to which this Convention is to apply. This European legal instrument will also facilitate the implementation by Parties of the United Nations Convention on the rights of the child.

\* \* \*

**European Agreement relating to persons participating in proceedings of the European Court of Human Rights** ([ETS No. 161](#)), open for signature, in Strasbourg, on 5 March 1996.

Entry into force: 1 January 1999.

The Agreement requires Parties to ensure that persons participating in proceedings instituted under the European Convention on Human Rights, as amended by Protocol No. 11, (agents, advisors, advocates, applicants, delegates, witnesses, and experts) enjoy immunity from legal process in respect of their acts before the single permanent Court, as well as freedom to correspond with the Court and freedom to travel for the purpose of attending the proceedings.

\* \* \*

**Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe** ([ETS No. 162](#)), open for signature, in Strasbourg, on 5 March 1996.

Entry into force: 1 November 1998.

The Sixth Protocol sets up the privileges and immunities granted to the Judges of the permanent Court of Human Rights during the discharge of their duties as well as during travels made during the discharge of their duties.

\* \* \*

**European Social Charter (revised)** ([ETS No. 163](#)), open for signature, in Strasbourg, on 3 May 1996.

Entry into force: 1 July 1999.

The European Social Charter (revised) of 1996 embodies in one instrument all rights guaranteed by the Charter of 1961, its additional Protocol of 1988 (ETS No. 128) and adds new rights and amendments adopted by the Parties. It is gradually replacing the initial 1961 treaty.

The European Social Charter (revised) guaranteed fundamental social and economic rights of all individuals in their daily lives. It takes account of the evolution which has occurred in Europe since the Charter was adopted in 1961, and includes the following:

**New rights:** right to protection against poverty and social exclusion; right to housing; right to protection in cases of termination of employment; right to protection against sexual harassment in the workplace and other forms of harassment; rights of workers with family responsibilities to equal opportunities and equal treatment; rights of workers' representatives in undertakings.

**Amendments:** reinforcement of principle of non-discrimination; improvement of gender equality in all fields covered by the treaty; better protection of maternity and social protection of mothers; better social, legal and economic protection of employed children; better protection of handicapped people.

Enforcement of the new Charter is submitted to the same system of control as the Charter of 1961, developed by the Amending Protocol of 1991 (ETS No. 142) and by the Additional Protocol of 1995 providing a system of collective complaints (ETS No. 158).

\* \* \*

**Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine** ([ETS No. 164](#)), open for signature, in Oviedo, on 4 April 1997.

Entry into force: 1 December 1999.

The Convention is the first legally binding international text designed to preserve human dignity, rights and freedoms, through a series of principles and prohibitions against the misuse of biological and medical advances. The Convention's starting point is that the interests of human beings must come before the interests of science or society. It lays down a series of principles and prohibitions concerning bioethics, medical research, consent, rights to private life and information, organ transplantation, public debate etc.

It bans all forms of discrimination based on the grounds of a person's genetic make-up and allows the carrying out of predictive genetic tests only for medical purposes. The treaty allows genetic engineering only for preventive, diagnostic or therapeutic reasons and only where it does not aim to change the genetic make-up of a person's descendants. It prohibits the use of techniques of medically assisted procreation to help choose the sex of a child, except where it would avoid a serious hereditary condition.

The Convention sets out rules related to medical research by including detailed and precise conditions, especially for people who cannot give their consent. It prohibits the creation of human embryos for research purposes and requires an adequate protection of embryos where countries allow in-vitro research.

The Convention states the principle according to which a person has to give the necessary consent for treatment expressly, in advance, except in emergencies, and that such consent may be freely withdrawn at any time. The treatment of persons unable to give their consent, such as children and people with mental illnesses, may be carried out only if it could produce real and direct benefit to his or her health.

The Convention stipulates that all patients have a right to be informed about their health, including the results of predictive genetic tests. The Convention recognises also the patient's right not to know. The Convention prohibits the removal of organs and other tissues which cannot be regenerated from people not able to give consent. The only exception is, under certain conditions, for regenerative tissue (especially bone marrow) between siblings.

The Convention recognises the importance of promoting a public debate and consultation on these questions. The only restrictions are those prescribed by law and which are necessary in a democratic society in the interest of public safety, for the prevention of crime, for the protection of public health or for the protection of the rights and freedoms of others. Additional Protocols are foreseen to clarify, strengthen and supplement the overall Convention.

The Steering Committee on Bioethics (CDBI), or any other committee designated by the Committee of Ministers or the Parties may request the European Court of Human Rights to give advisory opinions on legal questions concerning the interpretation of the Convention.

\* \* \*

**Convention on the Recognition of Qualifications concerning Higher Education in the European Region** ([ETS No. 165](#)), open for signature, in Lisbon on 11 April 1997.

Entry into force: 1 February 1999.

The Convention has been jointly drafted by the Council of Europe and UNESCO. It is designed to streamline the legal framework at European level and to replace in the long run six conventions adopted in this matter by the Council of Europe or UNESCO.

The Convention aims to facilitate the recognition of qualifications granted in one Party in another Party. It provides that requests should be assessed in a fair manner and within a reasonable time. The recognition can only be refused if the qualification is substantially different from that of the host country - and the onus is on its educational institution to prove that it is. Each State, the Holy See or the European Union inform either depository of the Convention of the authorities which are competent to make different categories of decisions in recognition cases.

Two bodies, namely the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region and the European Network of National Information Centres on Academic Mobility and Recognition (the ENIC Network) are to oversee, promote and facilitate the implementation of the

Convention. The Committee is responsible for promoting the application of the Convention and overseeing its implementation. To this end, it can adopt, by a majority of the Parties, recommendations, declarations, protocols and models of good practice to guide the competent authorities of the Parties. Before making its decisions, the Committee seeks the opinion of the ENIC Network. As for ENIC Network, it upholds and assists the practical implementation of the Convention by the competent national authorities.

\* \* \*

**European Convention on Nationality** ([ETS No. 166](#)), open for signature, in Strasbourg, on 6 November 1997.

Entry into force: 1 March 2000.

This Convention embodies principles and rules applying to all aspects of nationality. It is designed to make acquisition of a new nationality and recovery of a former one easier, to ensure that nationality is lost only for good reason and cannot be arbitrarily withdrawn, to guarantee that the procedures governing applications for nationality are just, fair and open to appeal, and to regulate the situation of persons in danger of being left stateless as a result of State succession. It also covers multiple nationality, military obligations and co-operation between States Parties.

The Council's text represents a synthesis of recent thinking on this question in national and international law and is the first international text to do so. It reflects the demographic and democratic changes (in particular migration and State succession which have occurred in central and eastern Europe since 1989). Some States which have recently adopted new laws on nationality have already based their laws on the text.

Some of the essential principles behind the text are:

- prevention of statelessness;
- non-discrimination: in regulating questions of nationality, states must avoid all -discrimination on grounds of sex, religion, race, colour, national or ethnic origin, etc.
- respect for the rights of persons habitually resident on the territories concerned.

\* \* \*

**Additional Protocol to the Convention on the Transfer of Sentenced Persons** ([ETS No. 167](#)), open for signature, in Strasbourg, on 18 December 1997.

Entry into force: 1 June 2000.

This instrument sets out the rules applicable to transfer of the execution of sentences, firstly where sentenced persons have absconded from the sentencing State to their State of nationality, and secondly where they are subject to an expulsion or deportation order as a consequence of their sentence.

It supplements the 1983 Convention on the Transfer of Sentenced Persons (ETS No. 112), whose main aim is to further the social rehabilitation of sentenced foreign nationals by allowing the sentence to be served in the country of origin. This Convention is founded to a great extent on humanitarian principles, being based on the consideration that communication difficulties, language barriers and deprivation of contact with the family can have adverse effects on foreign prisoners.

\* \* \*

**Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings** ([ETS No. 168](#)), open for signature, in Paris, on 12 January 1998.

Entry into force: 1 March 2001.

The Additional Protocol to the Convention on Human Rights and Biomedicine on the Prohibition of Cloning Human Beings is the first and only binding international legal instrument developed in this area. Reacting to the successful cloning of mammals in particular by the embryo splitting and nuclear transfer, the Council of Europe wanted to prevent further drift of applying this technique to human possibility.

Article 1 of Protocol prohibits "any intervention seeking to create a human being genetically identical to another human being alive or dead." Article 2 excludes exemption from this prohibition (eg, for reasons of public safety,

prevention of crime, protection of public health or the protection of the rights and freedoms of others).

These absolute prohibitions are based on the need to protect the identity of the human being to preserve the randomness of natural genetic combination that gives it its freedom and uniqueness, and to prevent its exploitation.

The scope of the Protocol is exclusively that of cloning human beings. It is therefore not intended to comment on the ethical acceptability of cloning cells and tissue for research purposes and for use in medicine, a field in which these techniques can prove to be valuable tools.

Finally, the Protocol leaves the domestic laws of the States to define the scope of the term "human being."

Along with the Convention, certain of whose provisions it supplements, the Protocol enshrines important principles which provide the ethical basis for further biological and medical developments, both now and in the future.

\* \* \*

**Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation ([ETS No. 169](#))**, open for signature, in Strasbourg, on 5 May 1998.

Entry into force: 1 February 2001.

The Protocol aims to strengthen inter-territorial co-operation between European countries. It follows the Council of Europe's declaration at the Vienna 1993 summit to build a tolerant and prosperous Europe through transfrontier co-operation.

The Protocol complements the existing Convention and Protocol which are concerned with relations between adjacent communities that share common borders. These two legal texts have proved so successful that twinning agreements have begun to spring up between areas that are further apart. Protocol 2 will act as a legal text to cover these new arrangements. It recognises the right of authorities to make such agreements and sets out a legal framework for them to do so.

\* \* \*

**Protocol of Amendment to the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes ([ETS No. 170](#))**, open for signature, in Strasbourg, on 22 June 1998.

Entry into force: 2 December 2005.

Thanks to the introduction of a simplified procedure, this text helps up-dating the terms of the Convention, to take account of the development of scientific understanding and practice since the Convention (ETS No. 123) was opened for signature in 1986. These terms concern the norms set by the convention for care and accommodation of laboratory animals, as well as the presentation of statistical data on animal experimentation.

\* \* \*

**Protocol amending the European Convention on Transfrontier Television ([ETS No. 171](#))**, open to tacit acceptance, in Strasbourg, on 1 October 1988.

Entry into force: 1 March 2002.

The Convention (ETS No. 132) is aimed at strengthening the free exchange of information and ideas, by encouraging the transfrontier circulation of television programme services on the basis of commonly-agreed basic standards (taste and decency, advertising and sponsorship, broadcasting of a majority proportion of European works, etc.).

The Convention was negotiated in parallel with the European Community's Directive on "Television without Frontiers". Following the substantial revision of the "Television without Frontiers" Directive, it had become necessary, to maintain coherence between the directive and the convention in the interest of legal certainty of both States and transfrontier broadcasters, to re-align the Convention with the directive.

The main areas covered by the amending Protocol are:

- the definition of advertising and the issue of self-promotion,
- tele-shopping,
- programme sponsorship,
- jurisdiction,
- abuse of rights granted by the convention,
- public access to major events,
- the timeframe for the broadcasting of cinematographic works.

\* \* \*

**Convention on the Protection of Environment through Criminal Law ([ETS No. 172](#))**, open for signature, in Strasbourg, on 4 November 1998.

Entry into force: The Convention will enter into force following the third ratification.

The Convention is aimed at improving the protection of the environment at European level by using the solution of last resort - criminal law - in order to deter and prevent conduct which is most harmful to it. It also seeks to harmonise national legislation in this field.

This new legal instrument obliges Contracting States to introduce specific provisions into their criminal law or to modify existing provisions in this field. It establishes as criminal offences a number of acts committed intentionally or through negligence where they cause or are likely to cause lasting damage to the quality of the air, soil, water, animals or plants, or result in the death of or serious injury to any person.

It defines the concept of criminal liability of natural and legal persons, specifies the measures to be adopted by states to enable them to confiscate property and define the powers available to the authorities, and provides for international co-operation.

The sanctions available must include imprisonment and pecuniary sanctions and may include reinstatement of the environment, the latter being an optional provision in the Convention.

Another major provision concerns the possibility for environmental protection associations to participate in criminal proceedings concerning offences provided for in the Convention.

\* \* \*

**Criminal Law Convention on Corruption ([ETS No. 173](#))**, open for signature, in Strasbourg, on 27 January 1999.

Entry into force: 1 July 2002.

The Criminal Law Convention on Corruption is an ambitious instrument aiming at the co-ordinated criminalisation of a large number of corrupt practices. It also provides for complementary criminal law measures and for improved international co-operation in the prosecution of corruption offences. The Convention is open to the accession of non-member States. Its implementation will be monitored by the "Group of States against Corruption - GRECO", which started functioning on 1st May 1999. As soon as they ratify it, States which do not already belong to GRECO will automatically become members.

The Convention is wide-ranging in scope, and complements existing legal instruments. It covers the following forms of corrupt behaviour normally considered as specific types of corruption

- active and passive bribery of domestic and foreign public officials;
- active and passive bribery of national and foreign parliamentarians and of members of international parliamentary assemblies;
- active and passive bribery in the private sector;
- active and passive bribery of international civil servants;
- active and passive bribery of domestic, foreign and international judges and officials of international courts;
- active and passive trading in influence;
- money-laundering of proceeds from corruption offences;
- accounting offences (invoices, accounting documents, etc.) connected with corruption offences.

States are required to provide for effective and dissuasive sanctions and measures, including deprivation of

liberty that can lead to extradition. Legal entities will also be liable for offences committed to benefit them, and will be subject to effective criminal or non-criminal sanctions, including monetary sanctions.

The Convention also incorporates provisions concerning aiding and abetting, immunity, criteria for determining the jurisdiction of States, liability of legal persons, the setting up of specialised anti-corruption bodies, protection of persons collaborating with investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds. It provides for enhanced international co-operation (mutual assistance, extradition and the provision of information) in the investigation and prosecution of corruption offences.

\* \* \*

**Civil Law Convention on Corruption** ([ETS No. 174](#)), open for signature, in Strasbourg, on 4 November 1999.

Entry into force: 1 November 2003.

It is the first attempt to define common international rules in the field of civil law and corruption. It requires Contracting Parties to provide in their domestic law "for effective remedies for persons who have suffered damage as a result of acts of corruption, to enable them to defend their rights and interests, including the possibility of obtaining compensation for damage" (art.1).

The Convention is divided into three chapters, they cover: measures to be taken at national level, international co-operation and monitoring of implementation) and final clauses. In ratifying the Convention, the States undertake to incorporate its principles and rules into their domestic law, taking into account their own particular circumstances.

The Convention deals with:

- compensation for damage;
- liability (including State liability for acts of corruption committed by public officials);
- contributory negligence: reduction or disallowance of compensation, depending on the circumstances;
- validity of contracts;
- protection of employees who report corruption;
- clarity and accuracy of accounts and audits;
- acquisition of evidence;
- court orders to preserve the assets necessary for the execution of the final judgment and for the maintenance of the status quo pending resolution of the points at issue;
- international co-operation.

The Group of States against Corruption (GRECO) will monitor commitments entered into under the Convention by the States Party.

\* \* \*

**European Convention on the Promotion of a Transnational Long-Term Voluntary Service for Young People** ([ETS No. 175](#)), open for signature, in Strasbourg, on 1 May 2000.

Entry into force: The Convention will enter into force following 5 Ratifications including 4 member States.

The European Convention on the Promotion of a Transnational Long-Term Voluntary Service for Young People aimed at 18-25 year olds wishing to perform voluntary service abroad for periods of 3 to 12 months. This text prepares the ground for providing young volunteers in Europe with a proper legal status. It aims to settle certain problems connected with the rights and obligations of voluntary workers and of the various partners involved, as well as the sending and receiving organisations (prior information and training, social insurance cover, accommodation, leave and pocket money).

The Convention takes into account existing measures and offers solutions to the problems and obstacles encountered by young people wishing to engage in voluntary service abroad. It provides for the issue of a certificate recognising the skills acquired by the volunteer through this means of informal education.

\* \* \*

**Council of Europe Landscape Convention** ([ETS No. 176](#)), open for signature, in Florence, on 20 October 2000.

Entry into force: 1 March 2004.

The Convention aims to encourage public authorities to adopt policies and measures at local, regional, national and international level for protecting, managing and planning landscapes throughout Europe. It covers all landscapes, both outstanding and ordinary, that determine the quality of people's living environment. The text provides for a flexible approach to landscapes whose specific features call for various types of action, ranging from strict conservation through protection, management and improvement to actual creation.

The Convention proposes legal and financial measures at the national and international levels, aimed at shaping "landscape policies" and promoting interaction between local and central authorities as well as transfrontier cooperation in protecting landscapes. It sets out a range of different solutions which States can apply, according to their specific needs.

The Council of Europe intergovernmental committees will be supervising the convention's implementation. The text also provides for a Council of Europe Landscape award, to be given to local or regional authorities or an NGO which introduced exemplary and long-lasting policies or measures to protect, manage and plan landscapes.

\* \* \*

**Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms** ([ETS No. 177](#)), open for signature, in Rome, on 4 November 2000.

Entry into force: 1 April 2005.

Protocol No. 12 provides for a general prohibition of discrimination. The current non-discrimination provision of the European Convention on Human Rights is of a limited kind because it only prohibits discrimination in the enjoyment of one or the other rights guaranteed by the Convention (*Article 14 – Prohibition of discrimination : "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*).

The Protocol removes this limitation and guarantees that no-one shall be discriminated against on any ground by any public authority.

\* \* \*

**European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access** ([ETS No. 178](#)), open for signature, in Strasbourg, on 24 January 2001.

Entry into force: 1 July 2003.

The Convention seeks to protect operators and providers of paid radio, tv and on-line services against unlawful reception of such services. It supplements a similar European Union directive by extending protection throughout Europe.

The States Parties to the Convention undertake to make it a criminal offence to manufacture, import, distribute, sell, offer for hire, possess or install decoders or smart cards enabling access to be obtained unlawfully to the above-mentioned services. They will also prohibit promotion, marketing or advertising of illicit devices.

The penalties provided for by the Convention include seizure and confiscation of the devices or material and of any profits or financial gain resulting from the unlawful activity.

The aim of this Convention is to help European providers of audio-visual and on-line services to reduce financial losses sustained as a result of electronic and computer piracy, in the interests of both service operators and the public.

\* \* \*

**Additional Protocol to the European Agreement on the Transmission of Applications for Legal Aid** ([ETS No. 179](#)), open for signature, in Moscow, on 4 October 2001.

Entry into force: 1 September 2002.

This Additional Protocol is designed to improve the operation of the Agreement (ETS No. 92), which enables persons having their habitual residence in the territory of a Party to apply for legal aid in civil, commercial or administrative matters in the territory of another Party, in particular as regards the co-operation between Central Authorities, the communication between lawyers and applicants and the improvement of the efficiency in the application of the Agreement by Central Authorities.

\* \* \*

**Convention on Information and Legal Co-operation concerning "Information Society Services"** ([ETS No. 180](#)), open for signature, in Moscow, on 4 October 2001.

Entry into force: The Convention will enter into force following 5 Ratifications of which at least one is not a member State of the European Economic Area.

The aim of this Convention, which was prepared in close cooperation with the European Commission, is to set up a legal information and co-operation system in the area of new communication services, extending the application of Directive 98/48/EC beyond the borders of the European Union. It will enable the Council of Europe to act as a clearing-house for draft legislation in the field of "Information Society Services", in order to provide a harmonised approach to the regulation of on-line services at the pan-European level.

\* \* \*

**Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows** ([ETS No. 181](#)), open for signature, in Strasbourg, on 8 October 2001.

Entry into force: 1 July 2004.

The text will increase the protection of personal data and privacy by improving the original Convention of 1981 (ETS No. 108) in two areas. Firstly, it provides for the setting up of national supervisory authorities responsible for ensuring compliance with laws or regulations adopted in pursuance of the convention, concerning personal data protection and transborder data flows. The second improvement concerns transborder data flows to third countries. Data may only be transferred if the recipient State or international organisation is able to afford an adequate level of protection.

\* \* \*

**Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters** ([ETS No. 182](#)), open for signature, in Strasbourg, on 8 November 2001.

Entry into force: 1 February 2004.

The Protocol is intended to improve States' ability to react to cross-border crime in the light of political and social developments in Europe and technological developments throughout the world. It will therefore serve to improve and supplement the 1959 Convention and the 1978 Additional Protocol to it, in particular by broadening the range of situations in which mutual assistance may be requested and making the provision of assistance easier, quicker and more flexible. It also takes account of the need to protect individual rights in the processing of personal data.

\* \* \*

**European Convention for the Protection of the Audiovisual Heritage** ([ETS No. 183](#)), open for signature, in Strasbourg, on 8 November 2001.

Entry into force: 1 January 2008.

The promotion of European cinema has always been an important concern of the cultural cooperation of the Council of Europe. It follows on from the European Convention on Cinema Coproduction of 2 October 1982 (ETS No. 147) and other resolutions concerning the same subject.

This Convention and its Protocol are centered around the principle of compulsory legal deposit of all moving-image material produced or coproduced and made available to the public in each signatory State. Legal deposit involves a requirement not just to deposit a reference copy with an officially designated archive but also to look after the material and do the necessary conservation work. In addition the material has to be available for consultation for academic or research purposes, subject to the international or national rules on copyright.

The Convention and its Protocol are the first binding international instruments in this field. They introduce systematic storage of audiovisual works in film archives, where the latest conservation and restoration technology can be used for long-term prevention of deterioration.

\* \* \*

**Protocol to the European Convention for the Protection of the Audiovisual Heritage, on the Protection of Television Productions** ([ETS No. 184](#)), open for signature, in Strasbourg, on 8 November 2001.

Entry into force: 1 April 2014.

The promotion of European cinema has always been an important concern of the cultural cooperation of the Council of Europe. It follows on from the European Convention on Cinema Coproduction of 2 October 1982 (ETS No. 147) and other resolutions concerning the same subject.

This Convention and its Protocol are centered around the principle of compulsory legal deposit of all moving-image material produced or coproduced and made available to the public in each signatory State. Legal deposit involves a requirement not just to deposit a reference copy with an officially designated archive but also to look after the material and do the necessary conservation work. In addition, the material has to be available for consultation for academic or research purposes, subject to the international or national rules on copyright.

The Convention and its Protocol are the first binding international instruments in this field. They introduce systematic storage of audiovisual works in film archives, where the latest conservation and restoration technology can be used for long-term prevention of deterioration.

\* \* \*

**Convention on Cybercrime** ([ETS No. 185](#)), open for signature, in Budapest, on 23 November 2001.

Entry into force: 1 July 2004.

The Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception.

Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation.

\* \* \*

**Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin** ([ETS No. 186](#)), open for signature, in Strasbourg, on 24 January 2002.

Entry into force: 1 May 2006.

The aim of this Protocol is to protect human dignity and integrity, as well as rights and fundamental freedoms, in the face of scientific and medical advances.

The Additional Protocol contains general principles and specific provisions regarding the transplantation of organs and tissues of human origin for therapeutic purposes.

The general principles set out in the Additional Protocol include equitable access to transplantation services for patients, transparent rules for organ allocation, health and safety standards, the prohibition of financial gain by donors, and the need for donors, recipients, health professionals and the public to be properly informed. The specific provisions cover the removal of organs from living and deceased persons, the use made of the organs and tissues removed, the prohibition of financial gain, confidentiality, and sanctions and compensation.

\* \* \*

**Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances** ([ETS No. 187](#)), open for signature, in Vilnius, on 3 May 2002.

Entry into force: 1 July 2003.

This Protocol is banning the death penalty in all circumstances, including for crimes committed in times of war and imminent threat of war.

No derogation or reservation is allowed to Protocol No. 13.

\* \* \*

**Additional Protocol to the Anti-Doping Convention** ([ETS No. 188](#)), open for signature, in Warsaw, on 12 September 2002.

Entry into force: 1 April 2004.

The aim of the Protocol is to ensure the mutual recognition of doping controls and to reinforce the application of the Convention (ETS No. 135).

To this end, the Protocol ensures the recognition by States Parties to the Convention of doping controls carried out on sportsmen and women coming from the other States Parties to the Convention. This will obviate the need for the conclusion of multiple bilateral agreements and will increase the effectiveness of anti-doping controls. In the same spirit, the Protocol is the first instrument of international public law, which recognises the competence of the World Anti-Doping Agency to conduct out of competition controls.

With regard to the reinforcement of the application of the Convention, the Protocol sets up a binding monitoring mechanism. This monitoring will be carried out by an evaluation team, which will make a visit to the State concerned, followed by an evaluation report.

\* \* \*

**Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems** ([ETS No. 189](#)), open for signature, in Strasbourg, on 28 January 2003.

Entry into force: 1 March 2006.

This Protocol entails an extension of the Cybercrime Convention's scope, including its substantive, procedural and international cooperation provisions, so as to cover also offences of racist or xenophobic propaganda. Thus, apart from harmonising the substantive law elements of such behaviour, the Protocol aims at improving the ability of the Parties to make use of the means and avenues of international cooperation set out in the Convention (ETS No. 185) in this area.

\* \* \*

**Protocol amending the European Convention on the Suppression of Terrorism ([ETS No. 190](#))**, open for signature, in Strasbourg, on 15 May 2003.

Entry into force: The Protocol will enter into force after its ratification by all Parties to the Convention.

The main features of the Amending Protocol are the following:

- the list of offences to be "depoliticised" has been extended considerably to cover all the offences described in the relevant UN anti-terrorist Conventions and Protocols.
- the introduction of a simplified amendment procedure, which will allow new offences to be added to the list in the future.
- the Convention has been opened to accession by the Observers to the Council of Europe. The Committee of Ministers may decide on a case-by-case basis to invite other States to join the Convention as well.

While the Convention as such does not deal directly with general issues of extradition, the classical discrimination clause has been expanded to include a clause authorising the refusal to extradite to a country where there is a risk of applying a death sentence, or a risk of being subject to torture or life imprisonment without parole.

Finally, the Protocol provides for a follow-up mechanism ("COSTER") in charge of implementing the new procedure in relation to reservations as well as other tasks related to the follow-up of the Convention. This mechanism will operate in addition to the classic and more general competence of the European Committee on Crime Problems (CDPC) in relation to Conventions in the criminal field.

\* \* \*

**Additional Protocol to the Criminal Law Convention on Corruption ([ETS No. 191](#))**, open for signature, in Strasbourg, on 15 May 2003.

Entry into force: 1 February 2005.

This Protocol extends the scope of the Convention (ETS No. 173) to arbitrators in commercial, civil and other matters, as well as to jurors, thus complementing the Convention's provisions aimed at protecting judicial authorities from corruption. Parties to the Convention will have to adopt the necessary measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors.

\* \* \*

**Convention on Contact concerning Children ([ETS No. 192](#))**, open for signature, in Strasbourg, on 15 May 2003.

Entry into force: 1 September 2005.

Given the problems inherent in the exercise and protection of children's personal relationships, as well as its possible limitations, the Convention aims to regulate these relations in the light of the best interests of the child.

The aim of the Convention is to improve certain aspects of the right of national and transfrontier contact and, in particular, to specify and reinforce the basic right of children and their parents to maintain contact on a regular basis. This right may be extended, if necessary, to include contact between a child and other persons than his or her parents, in particular when the child has family ties with such a person.

In this respect, the object of the Convention is to determine the general principles to be applied to contact orders, as well as to fix appropriate safeguards and guarantees to ensure the proper exercise of such contact and the immediate return of children at the end of the period of contact. It establishes co-operation between all the bodies and authorities concerned with contact orders and reinforces the implementation of relevant existing international legal instruments in this field.

\* \* \*

**European Convention for the Protection of Animals during International Transport (Revised) (ETS No. 193)**, open for signature, in Chisinau, on 6 November 2003.

Entry into force: 14 March 2006.

The revised Convention builds on the lessons learnt from the last 30 years of experience and scientific results made available during this period. It contains provisions designed to overcome defects and to facilitate the implementation of the principles of the Convention. It was built as a framework convention laying down essential principles applying to all species. It provides for technical protocols which can be amended following a simplified procedure, facilitating thereby their updating in the light of scientific evidence and experience acquired.

The revised Convention provides for the denunciation of the original Convention (ETS No. 65) which ensures that the Parties are thus not simultaneously bound by contradictory undertakings.

\* \* \*

**Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention (CETS No. 194)**, open for signature, in Strasbourg, on 13 May 2004.

Entry into force: 1 June 2010.

This Protocol aims to make the changes such as the introduction of a new admissibility criterion, the treatment of repetitive cases or clearly inadmissible cases, for a more satisfactory operation of the European Court of Human Rights.

Under the Protocol the Committee of Ministers will be empowered, if it decides by a two-thirds majority to do so, to bring proceedings before the Court where a State refuses to comply with a judgment. The Committee of Ministers will also have a new power to ask the Court for an interpretation of a judgment. This is to assist the Committee of Ministers in its task of supervising the execution of judgments and particularly in determining what measures may be necessary to comply with a judgment.

Other measures in the Protocol include changing the judges' term of office to a single, nine year term, and a provision allowing the accession by the European Union to the Convention.

\* \* \*

**Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research (CETS No. 195)**, open for signature, in Strasbourg, on 25 January 2005.

Entry into force: 1 September 2007.

This Protocol is intended to build on the principles embodied in the Convention, with a view to protecting human rights and dignity in the specific field of biomedical research. Its purpose is to define and safeguard fundamental rights in biomedical research, in particular of those participating in research.

The Protocol is to cover the full range of biomedical research activities involving interventions on human beings.

The fundamental principle for research involving human beings, as in the Convention itself, is the free, informed, express, specific, and documented consent of the person(s) participating. The Protocol addresses issues such as risks and benefits of research, consent, protection of persons not able to consent to research, scientific quality, independent examination of research by an ethics committee, confidentiality and the right to information, undue influence, safety and duty of care.

\* \* \*

**Council of Europe Convention on the Prevention of Terrorism** ([CETS No. 196](#)), open for signature, in Warsaw, on 16 May 2005.

Entry into force: 1 June 2007.

The Council of Europe has adopted this Convention to increase the effectiveness of existing international texts on the fight against terrorism. It aims to strengthen member States' efforts to prevent terrorism in two different ways:

- by establishing as criminal offences certain acts that may lead to the commission of terrorist offences, namely: public provocation, recruitment and training
- by reinforcing co-operation on prevention both internally (national prevention policies), and internationally (modification of existing extradition and mutual assistance arrangements and additional means).

The Convention contains a provision on the protection and compensation of victims of terrorism. A consultation process is planned to ensure effective implementation and follow up.

\* \* \*

**Council of Europe Convention on Action against Trafficking in Human Beings** ([CETS No. 197](#)), open for signature, in Warsaw, on 16 May 2005.

Entry into force: 1 February 2008.

The Convention is a comprehensive treaty mainly focused on the protection of victims of trafficking and the safeguard of their rights. It also aims at preventing trafficking as well as prosecuting traffickers.

The Convention applies to all forms of trafficking; whether national or transnational, whether or not related to organised crime and whoever the victim, women, men or children and whatever the form of exploitation, sexual exploitation, forced labour or services, etc.

The Convention provides for the setting up of an independent monitoring mechanism ("GRETA") guaranteeing Parties' compliance with its provisions.

\* \* \*

**Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism** ([CETS No. 198](#)), open for signature, in Warsaw, on 16 May 2005.

Entry into force: 1 May 2008.

The Council of Europe decided to update and widen its 1990 Convention to take into account the fact that not only could terrorism be financed through money laundering from criminal activity, but also through legitimate activities.

This new Convention is the first international treaty covering both the prevention and the control of money laundering and the financing of terrorism. The text addresses the fact that quick access to financial information or information on assets held by criminal organisations, including terrorist groups, is the key to successful preventive and repressive measures, and, ultimately, is the best way to stop them.

The Convention includes a mechanism to ensure the proper implementation by Parties of its provisions.

\* \* \*

**Council of Europe Framework Convention on the Value of Cultural Heritage for Society** ([CETS No. 199](#)), open for signature, in Faro, on 27 October 2005.

Entry into force: 1 June 2011.

This Convention is based on the idea that knowledge and use of heritage form part of the citizen's right to participate in cultural life as defined in the Universal Declaration of Human Rights.

The text presents heritage both as a resource for human development, the enhancement of cultural diversity and the promotion of intercultural dialogue, and as part of an economic development model based on the principles of sustainable resource use.

\* \* \*

**Council of Europe Convention on the avoidance of statelessness in relation to State succession** ([CETS No. 200](#)), open for signature, in Strasbourg, on 19 May 2006.

Entry into force: 1 May 2009.

State succession can lead to the emergence of a large number of stateless persons. The treaty therefore builds upon the 1997 European Convention on Nationality (ETS No. 166) by developing more detailed rules to be applied by States with a view to preventing, or at least reducing to the extent possible, cases of statelessness arising from State succession.

\* \* \*

**Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** ([CETS No. 201](#)), open for signature, in Lanzarote, on 25 October 2007.

Entry into force: 1 July 2010.

This Convention is the first instrument to establish the various forms of sexual abuse of children as criminal offences, including such abuse committed in the home or family, with the use of force, coercion or threats.

Preventive measures outlined in the Convention include the screening, recruitment and training of people working in contact with children, making children aware of the risks and teaching them to protect themselves, as well as monitoring measures for offenders and potential offenders.

The Convention also establishes programmes to support victims, encourages people to report suspected sexual exploitation and abuse, and sets up telephone and internet helplines for children. It also ensures that certain types of conduct are classified as criminal offences, such as engaging in sexual activities with a child below the legal age and child prostitution and pornography. The Convention also criminalises the solicitation of children for sexual purposes ("grooming") and "sex tourism".

With the aim of combating child sex tourism, the Convention establishes that individuals can be prosecuted for some offences even when the act is committed abroad. The new legal tool also ensures that child victims are protected during judicial proceedings, for example with regard to their identity and privacy.

\* \* \*

**European Convention on the Adoption of Children (Revised)** ([CETS No. 202](#)), open for signature, in Strasbourg, on 27 November 2008.

Entry into force: 1 September 2011.

The aim of the Convention is to take account of social and legal developments while keeping to the European Convention on Human Rights and bearing in mind that the child's best interests must always take precedence over any other considerations.

The new provisions introduced by the Convention are the following:

- The father's consent is required in all cases, even when the child was born out of wedlock.
- The child's consent is necessary if the child has sufficient understanding to give it.
- It extends to heterosexual unmarried couples who have entered into a registered partnership in States which recognise that institution. It also leaves States free to extend adoptions to homosexual couples and same sex-couples living together in a stable relationship.
- The new convention strikes a better balance between adopted children's right to know their identity and the right of the biological parents to remain anonymous.
- The minimum age of the adopter must be between 18 and 30, and the age difference between adopter and child should preferably be at least 16 years.

\* \* \*

**Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes** ([CETS No. 203](#)), open for signature, in Strasbourg, on 27 November 2008.

Entry into force: 1 July 2018.

The Protocol sets down principles relating inter alia to the quality of genetic services, prior information and consent and genetic counselling. It lays down general rules on the conduct of genetic tests, and, for the first time at international level, deals with the directly accessible genetic tests for which a commercial offer could develop in future. It specifies the conditions in which tests may be carried out on persons not able to consent. Also covered are the protection of private life and the right to information collected through genetic testing. Finally, the Protocol touches on genetic screening.

\* \* \*

**Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms** ([CETS No. 204](#)), open for signature, in Strasbourg, on 27 May 2009.

Entry into force: 1 October 2009.

Protocol No. 14bis allowed, pending the entry into force of Protocol No. 14, the application of two procedural elements of Protocol No. 14 with respect to those States that expressed their consent:

- a single judge will be able to reject manifestly inadmissible applications.
- the competence of three-judge committees is extended to declare applications admissible and decide on their merits where there already was a well-established case law of the Court.

\* \* \*

**Council of Europe Convention on Access to Official Documents** ([CETS No. 205](#)), open for signature, in Tromsø, on 18 June 2009.

Entry into force: 1 December 2020.

This Convention is the first binding international legal instrument to recognise a general right of access to official documents held by public authorities. Transparency of public authorities is a key feature of good governance and an indicator of whether or not a society is genuinely democratic and pluralist. The right of access to official documents is also essential to the self-development of people and to the exercise of fundamental human rights. It also strengthens public authorities' legitimacy in the eyes of the public, and its confidence in them.

This Convention lays down a right of access to official documents. Limitations on this right are only permitted in order to protect certain interests like national security, defense or privacy.

The Convention sets forth the minimum standards to be applied in the processing of requests for access to official documents (forms of and charges for access to official documents), review procedure and complementary measures and it has the flexibility required to allow national laws to build on this foundation and provide even greater access to official documents.

A Group of Specialists on Access to Official Documents will monitor the implementation of this Convention by the Parties.

\* \* \*

**Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs)** ([CETS No. 206](#)), open for signature, in Utrecht, on 16 November 2009.

Entry into force: 1 March 2013.

Protocol No. 3 to the Madrid Convention provides for the legal status, establishment and operation of "Euroregional Cooperation Groupings". Composed of local authorities and other public bodies from the Contracting Parties, the aim of a grouping is for transfrontier and interterritorial co-operation to be put into

practice for its members, within the scope of their competences and prerogatives. Under the Protocol the Council of Europe may draw up model national laws for facilitating adoption by the Contracting Parties of appropriate national legislation for enabling the “Euroregional Co-operation Groupings” to operate effectively.

\* \* \*

**Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority** ([CETS No. 207](#)), open for signature, in Utrecht, on 16 November 2009.

Entry into force: 1 June 2012.

The Additional Protocol adds a new dimension to the European Charter (ETS No. 122) by providing an international legal guarantee of the right to participate in the affairs of a local authority. The right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities. Parties to this protocol are required to take legal and other measures to facilitate the exercise of and give effect to this right. The Protocol also requires measures be taken which are necessary to ensure that the ethical integrity and transparency of the exercise of local authorities' powers and responsibilities are not jeopardised by the exercise of the right to participate.

\* \* \*

**Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters** ([CETS No. 208](#)), open to the signature, in Paris, on 27 May 2010.

Entry into force: 1 June 2011.

The Organisation for Economic Co-operation and Development (OECD) and the Council of Europe have agreed on an update to the 1988 joint Convention that aims to help governments enforce their tax laws, as part of the worldwide drive to combat cross-border tax evasion.

The Protocol provides, among other things, for exchange of information, multilateral simultaneous tax examinations, service of documents and cross-border assistance in tax collection, while respecting national sovereignty and the rights of taxpayers and ensuring extensive safeguards to protect the confidentiality of the information exchanged.

\* \* \*

**Third Additional Protocol to the European Convention on Extradition** ([CETS No. 209](#)), open for signature, in Strasbourg, on 10 November 2010.

Entry into force: 1 May 2012.

The Protocol supplements the Convention in order to simplify and accelerate the extradition procedure when the person sought consents to extradition.

\* \* \*

**Council of Europe Convention on preventing and combating violence against women and domestic violence** ([CETS No. 210](#)), open for signature, in Istanbul, on 11 May 2011.

Entry into force: 1 August 2014.

This new landmark treaty of the Council of Europe opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.

The Convention also establishes a specific monitoring mechanism ("GREVIO") in order to ensure effective implementation of its provisions by the Parties.

\* \* \*

**Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health ([CETS No. 211](#))**, open for signature, in Moscow on 28 October 2011

Entry into force: 1 January 2016.

The "Medicrime Convention" is the first international criminal law instrument to oblige States Parties to criminalise:

- the manufacturing of counterfeit medical products;
- supplying, offering to supply and trafficking in counterfeit medical products;
- the falsification of documents;
- the unauthorised manufacturing or supplying of medicinal products and the placing on the market of medical devices which do not comply with conformity requirements.

The Convention provides a framework for national and international co-operation across the different sectors of the public administration, measures for coordination at national level, preventive measures for use by public and private sectors and protection of victims and witnesses. Furthermore, it foresees the establishment of a monitoring body to oversee the implementation of the Convention by the States Parties.

\* \* \*

**Fourth Additional Protocol to the European Convention on Extradition ([CETS No. 212](#))**, open for signature, in Vienna, on 20 September 2012.

Entry into force: 1 June 2014.

The Fourth Protocol amends and supplements a number of provisions of the Convention in order to adapt it to modern needs. These provisions concern, in particular, the issues of lapse of time, requests and supporting documents, rule of specialty, transit, re-extradition to a third State and channels and means of communication.

\* \* \*

**Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 213](#))**, open for signature, in Strasbourg, on 24 June 2013.

Entry into force: 1 August 2021.

To maintain the effectiveness of the European Court of Human Rights, this Protocol makes the following changes to the Convention:

- Adding a reference to the principle of subsidiarity and the doctrine of the margin of appreciation to the Preamble of the Convention;
- Shortening from six to four months the time limit within which an application must be made to the Court;
- Amending the 'significant disadvantage' admissibility criterion to remove the second safeguard preventing rejection of an application that has not been duly considered by a domestic tribunal;
- Removing the right of the parties to a case to object to relinquishment of jurisdiction over it by a Chamber in favour of the Grand Chamber;
- Replacing the upper age limit for judges by a requirement that candidates for the post of judge be less than 65 years of age at the date by which the list of candidates has been requested by the Parliamentary Assembly.

\* \* \*

**Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 214](#))**, open for signature, in Strasbourg, on 2 October 2013.

Entry into force: 1 August 2018.

Protocol No. 16 allows the highest courts and tribunals of a High Contracting Party, as specified by the latter, to request the European Court of Human Rights to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or the Protocols thereto.

\* \* \*

**Council of Europe Convention on the Manipulation of Sports Competitions** ([CETS No. 215](#)), open for signature, in Magglingen, on 18 September 2014.

Entry into force: 1 September 2019.

The purpose of this Convention is to prevent, detect, punish and discipline the manipulation of sports competitions, as well as enhance the exchange of information and national and international cooperation between the public authorities concerned, and with sports organisations and sports betting operators. The Convention calls on governments to adopt measures, including legislation, notably:

- Prevent conflicts of interest in sports betting operators and sports organisations;
- Encourage the sports betting regulatory authorities to fight against fraud, if necessary by limiting the supply of sports bets or suspending the taking of bets ;
- Fight against illegal sports betting, allowing to close or restrict access to the operators concerned and block financial flows between them and consumers.

Sports organisations and competition organisers are also required to adopt and implement stricter rules to combat corruption, sanctions and proportionate disciplinary and dissuasive measures in the event of offences, as well as good governance principles. The Convention also provides safeguards for informants and witnesses.

\* \* \*

**Council of Europe Convention against Trafficking in Human Organs** ([CETS No. 216](#)), open for signature, in St Jacques-de-Compostelle, on 25 March 2015.

Entry into force: 1 March 2018.

The Convention calls on governments to establish as a criminal offence the illegal removal of human organs from living or deceased donors:

- where the removal is performed without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorised under its domestic law;
- where, in exchange for the removal of organs, the living donor, or a third party, receives a financial gain or comparable advantage;
- where in exchange for the removal of organs from a deceased donor, a third party receives a financial gain or comparable advantage.

The Convention also provides protection measures and compensation for victims as well as prevention measures to ensure transparency and equitable access to transplantation services.

\* \* \*

**Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism** ([CETS No. 217](#)), open for signature, in Riga, on 22 October 2015.

Entry into force: 1 July 2017.

The Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) makes a number of acts, including taking part in an association or group for the purpose of terrorism, receiving terrorist training, travelling abroad for the purposes of terrorism and financing or organising travel for this purpose, a criminal offence. The Protocol also provides for a network of 24-hour-a-day national contact points facilitating the rapid exchange of information.

\* \* \*

**Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events ([CETS No. 218](#))**, open for signature, in Saint-Denis, on 3 July 2016.

Entry into force: 1 November 2017.

The purpose of the Convention is to ensure that football and other sports events provide a safe, secure and welcoming environment for all individuals through the implementation of an integrated approach on safety, security and service at sports events by a plurality of actors working in a partnership amid an ethos of co-operation.

To guarantee a welcoming atmosphere inside and outside stadiums, the Convention commits signatory States' authorities to:

- encourage public agencies and private stakeholders (local authorities, police, football clubs and national federations, and supporters) to work together in the preparation and running of football matches;
- ensure that stadium infrastructure complies with national and international standards and regulations, for effective crowd management and safety; emergency and contingency plans must be drawn up, tested and refined in the course of regular joint exercises;
- ensure that spectators feel welcome and well-treated throughout events, including by making stadiums more accessible to children, the elderly and people with disabilities and improving sanitary and refreshment facilities.

A number of measures are also envisaged to prevent and punish acts of violence and misbehaviour, including stadium bans, sanctions procedures in the country where the offence is committed or in the offender's country of residence or citizenship, or restrictions on travelling abroad to football events. States signing up to the Convention undertake to step up international police co-operation by designating a national football information point within the police force (NFIP) to facilitate exchanges of information and personal data in connection with international football matches.

This convention will ultimately replace the European Convention on Spectator Violence and Misbehaviour at Sport Events and in particular at Football Matches (ETS No. 120), drawn up in 1985 in the wake of the Heysel tragedy.

The committee of experts tasked with monitoring application of the 1985 Convention produce assessments, before and after major international tournaments (World Cup, European Championships), of the safety measures taken. FIFA, UEFA, the European Professional Football Leagues Association, Football Supporters Europe, Supporters Direct Europe and also Interpol and the European Union participate in its work.

\* \* \*

**Protocol amending the European Landscape Convention ([CETS No. 219](#))**, open to ratification, acceptance or approval, in Strasbourg, on 1 August 2016.

Entry into force: 1 July 2021.

The aim of the Protocol is to promote European co-operation with non-European States who wish to implement the provisions of the Convention (ETS No. 176) by opening the Convention to their accession.

\* \* \*

**Council of Europe Convention on Cinematographic Co-Production (revised) ([CETS No. 220](#))**, open for signature, in Rotterdam, on 30 January 2017.

Entry into force: 1 October 2017.

The purpose of the revised Convention is to provide a legal and financial framework for the co-production of feature-length films involving production companies established in three or more states Parties. The revised Convention can also be used as a bilateral framework in the absence of a specific co-production treaty between two Parties. The participation of one or more co-producers who are not established in such Parties is possible, provided that their total contribution does not exceed 30% of the total cost of the production. The co-produced work must also meet the definition of an officially co-produced cinematographic work set forth in Appendix II to the Convention.

This Convention brings up to date the provisions of the 1992 European Convention on Cinematographic Co-production (ETS No. 147), in order to reflect the profound changes undergone by the film industry in the intervening period.

The key revisions of the text aim to:

- broaden the scope of the Convention by opening it to accession by non-member States of the Council of Europe and introducing the notion of “official international co-production” to replace that of “official European co-production”;
- adjust the minimum and maximum proportions of contributions from each co-producer, to make it easier to participate in official co-productions, while at the same time providing safeguards for national authorities, should they wish to bar access to national production funding schemes;
- ensure monitoring and sharing of best practice in the application of the revised Convention; These functions are to be filled by the Board of Management of the Eurimages Fund, meeting in an enlarged configuration to include all Parties to the revised text;
- facilitate the work of the competent authorities responsible for its application, by updating the procedure for recognition under the Convention to reflect widespread practice.

The revised Convention applies to co-productions where all of the production companies involved are established in Parties to the updated text. The 1992 Convention will continue to apply to any co-production where at least one of the companies involved is established in a Party only to the 1992 Convention.

\* \* \*

**Council of Europe Convention on Offences relating to Cultural Property** ([CETS No. 221](#)), open for signature, in Nicosia, on 19 May 2017.

Entry into force: 1 April 2022.

The Convention on Offences relating to Cultural Property aims to prevent and combat the illicit trafficking and destruction of cultural property, in the framework of the Organisation’s action to fight terrorism and organised crime.

The Convention, which will be open for signature to any country in the world, also aims to foster international co-operation to fight these crimes, which are destroying the world’s cultural heritage.

The Convention, which will be the only international treaty specifically dealing with the criminalisation of the illicit trafficking of cultural property, establishes a number of criminal offences, including theft; unlawful excavation, importation and exportation; and illegal acquisition and placing on the market. It also criminalises the falsification of documents and the destruction or damage of cultural property when committed intentionally.

\* \* \*

**Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons** ([CETS No. 222](#)), open for signature, in Strasbourg, on 22 November 2017.

Entry into force: The Protocol will enter into force following its ratification by all the Parties to the Additional Protocol.

The aim of the Protocol of amendment is to modernise and improve the Additional Protocol (ETS No. 167), taking into account the evolution in international co-operation on the transfer of sentenced persons since its entry into force in June 2000.

\* \* \*

**Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223)**, open for signature, in Strasbourg, on 10 October 2018.

Entry into force: Ratification by all Parties to the Protocol, or, as from 11 October 2023, once 38 Parties to the Convention have ratified the Protocol.

The aim of the Protocol of amendment is to modernise and improve the Convention (ETS No. 108), taking into account the new challenges to the protection of individuals with regard to the processing of personal data which have emerged since the Convention was adopted in 1980.

The modernisation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, the only existing legally binding international treaty with global relevance in this field, addresses the challenges to privacy resulting from the use of new information and communication technologies, and strengthens the convention's mechanism to ensure its effective implementation.

The Protocol provides a robust and flexible multilateral legal framework to facilitate the flow of data across borders while providing effective safeguards when personal data are being used. It constitutes a bridge between different regions of the world and different normative frameworks, including the new European Union's legislation that will become fully applicable on 25 May 2018 and which refers to Convention 108 in the context of transborder data flows.

Some of the innovations contained in the Protocol are the following:

- Stronger requirements regarding the proportionality and data minimisation principles, and lawfulness of the processing;
- Extension of the types of sensitive data, which will now include genetic and biometric data, trade union membership and ethnic origin;
- Obligation to declare data breaches;
- Greater transparency of data processing;
- New rights for the persons in an algorithmic decision making context, which are particularly relevant in connection with the development of artificial intelligence;
- Stronger accountability of data controllers;
- Requirement that the "privacy by design" principle is applied;
- Application of the data protection principles to all processing activities, including for national security reasons, with possible exceptions and restrictions subject to the conditions set by the Convention, and in any case with independent and effective review and supervision;
- Clear regime of transborder data flows;
- Reinforced powers and independence of the data protection authorities and enhancing legal basis for international cooperation.

\* \* \*

**Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (CETS No. 224)**, opened for signature, in Strasbourg, on 12 May 2022.

Entry into force: The Protocol will enter into force following five ratifications.

Considering the proliferation of cybercrime and the increasing complexity of obtaining electronic evidence that may be stored in foreign, multiple, shifting or unknown jurisdictions, the powers of law enforcement are limited by territorial boundaries. As a result, only a very small share of cybercrime that is reported to criminal justice authorities is leading to court decisions.

As a response, the Protocol provides a legal basis for disclosure of domain name registration information and for direct co-operation with service providers for subscriber information, effective means to obtain subscriber information and traffic data, immediate co-operation in emergencies, mutual assistance tools, as well as personal data protection safeguards.

\* \* \*

**Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law** ([CETS No. 225](#)), open for signature, in Vilnius, on 5 September 2024.

Entry into force: The Convention will enter into force following 5 Ratifications including at least 3 member States of the Council of Europe.

The *Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law* is intended to address specific challenges which arise throughout the lifecycle of artificial intelligence systems and encourage the consideration of the wider risks and impacts related to these technologies including, but not limited to, human health and the environment, and socio-economic aspects, such as employment and labour.

The provisions of this Convention aim to ensure that activities within the lifecycle of artificial intelligence systems are fully consistent with human rights, democracy and the rule of law.

\* \* \*

**Council of Europe Convention for the Protection of the Profession of Lawyer** ([CETS No. 226](#)), open for signature, in Luxembourg, on 13 May 2025.

Entry into force: The Convention will enter into force following 8 Ratifications including at least 6 member States of the Council of Europe.

The Council of Europe Convention for the Protection of the Profession of Lawyer covers lawyers and their professional associations, whose role is vital in defending lawyers' rights and interests as a profession. The Convention addresses entitlement to practise, professional rights, freedom of expression, professional discipline and specific protective measures for lawyers and professional associations.

Under the Convention, states must ensure that lawyers can carry out their professional duties without being the target of any form of physical attack, threat, harassment or intimidation or any improper hindrance or interference. Where such circumstances could amount to a criminal offence, parties must conduct an effective investigation. Parties must also ensure that professional associations can operate as independent, self-governing bodies.

\* \* \*

**Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters** ([CETS No. 227](#)), open for signature, in Valletta, on 19 September 2025.

Entry into force: The Protocol will enter into force following 3 Ratifications.

The Third Additional Protocol updates a number of provisions of the European Convention on Mutual Assistance in Criminal Matters of 1959 ([ETS No. 30](#)), as well as of its Second Additional Protocol ([ETS No. 182](#)), in order to take account of the rapid evolution of practices and support systems relating to mutual assistance in recent years, including an increased use of video-conferencing and other technological tools, notably in the context of the Covid-19 pandemic.

It also complements provisions of the Convention and its Additional Protocols to take account of certain shortcomings identified by practitioners.

\* \* \*

**Council of Europe Convention on the Protection of the Environment through Criminal Law** ([CETS No. 228](#)), open for signature, in Strasbourg, on 3 December 2025.

Entry into force: The Convention will enter into force following 10 Ratifications including at least 8 member States of the Council of Europe.

Reflecting a collective response to the "triple planetary crisis" of climate change, pollution, and biodiversity loss, the *Council of Europe Convention on the Protection of the Environment through Criminal Law*, is an international legally binding instrument specifically focused on the criminal dimensions of environmental damage. It provides a robust legal framework for States to combat serious environmental crimes that have at times gone unpunished

or under-prosecuted.

It reinforces the message that environmental destruction is not just a policy failure but may also constitute a crime and demand strong legal tools and international cooperation. The Convention includes a monitoring mechanism to ensure effective implementation and accountability.

The treaty defines and criminalises a wide array of environment related offences and enables States to prosecute intentional conduct resulting in environmental disasters tantamount to ecocide.

Provisions on corporate liability, sanctions, jurisdiction, and organised crime reflect the evolving nature of environmental offences and their links to transnational criminal networks.

\* \* \*

**Convention establishing an International Claims Commission for Ukraine** ([CETS No. 229](#)), open for signature, in The Hague, on 16 December 2025.

Entry into force: Special conditions.

The Convention responds to United Nations General Assembly Resolutions ES-11/1 and ES-11/5, which condemned the Russian Federation's aggression against Ukraine, and called for the establishment of an international mechanism for reparation, with a register of damage as the first step.

The Convention provides the legal basis for the establishment of an International Claims Commission for Ukraine, which constitutes the second component of the international compensation mechanism envisioned by Resolution ES-11/5 and by the Council of Europe Reykjavik Summit declaration. It builds upon the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, established as an Enlarged Partial Agreement of the Council of Europe and operational as the first component of this mechanism.

Under the Convention, the Commission is mandated to receive, assess and decide claims submitted by individuals, legal persons and the State of Ukraine for compensation of damage, loss or injury caused by the Russian Federation's internationally wrongful acts committed in or against Ukraine on or after 24 February 2022. The Commission determines compensation through fair and just assessments, and its decisions are final.

The Convention aims to ensure an effective, transparent and internationally supported mechanism for remedy and reparation, contributing to accountability, justice and redress for victims, and supporting international peace, security and respect for international law.

Source Council of Europe's Treaty Office on <https://conventions.coe.int>