



Strasbourg, 13 November 2018

COP (2018) 2

CONSULTATION OF THE PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM

3rd Consultation

Strasbourg (France), 13 November 2018

Council of Europe
Palais, Room 9

Opening at 9:30a.m., Tuesday
Closing at 1.00p.m., Tuesday

List of Decisions

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

DGI.CDCT@coe.int - www.coe.int/terrorism

The 3rd Consultation of the Parties meeting in Strasbourg on 13 November 2018, under the Chairmanship of Mr Nicola PIACENTE (Italy), decided to:

1. Opening of the meeting

- Take note of the opening remarks by the Chairperson.

2. Adoption of the agenda

- Adopt the agenda.

3. Information by the Chair and by the Secretariat

- Take note of the information provided by the Chairperson about the state of play of the on-going work on examining the feasibility of elaborating a definition of terrorism to replace or augment the current wording of Article 1 of the Convention. Mr PIACENTE, who is also chairing the Sub-Group of the CDCT tasked with this work, explained that a total of three meetings are foreseen for the Sub-Group until the end of 2019. The first meeting took place in Strasbourg on 16 and 17 October, where some progress has already been made in terms of identifying the constituent elements of a possible definition. The Consultation of the Parties will also be involved at the relevant later stage.
- Take note of the information provided by the Secretariat, notably that since the last meeting (May 2017), the total number of ratifications for the Convention is now 40, and the corresponding number for the Additional Protocol is 16.
- Call on all member States, which have not yet done so, to take all necessary steps to ratify the Convention and its Additional Protocol as soon as possible.

4. Examination and adoption of proposal to amend the Rules of Procedure

- Examine the proposal by the Secretariat to amend the Rules of Procedure.
- Amend the Rules of Procedure in accordance with the aforesaid proposal. The amended rules of Procedure are attached to this List of Decisions (Appendix I)

5. Elections

- In accordance with the proposal by the Secretariat to count the periods of office of Mr Nicola PIACENTE (Italy) and Mr Gábor HORVÁTH (Hungary), elected as Chairperson and Vice-Chairperson respectively in May 2017, as having lasted one year only, instead of one and half years (May 2017 – November 2018).
- Elect Mr Nicola PIACENTE (Italy) as Chairperson, and Mr Gábor HORVÁTH (Hungary) as Vice-Chairperson in accordance with Rule 4 of the Rules of Procedure for one year.

6. Future work of the Consultation of the Parties

- Launch a second assessment round, focusing on the implementation of the Additional Protocol.
- Allow for Signatories to participate in the assessment round.
- Instruct the Secretariat to prepare a questionnaire concerning Articles 4, 5 and 6 of the Additional Protocol and send it to all Parties before the end of 2018 for adoption in written procedure by 31 January 2019.
- Set the deadline for submitting replies to the questionnaire for 28 June 2019.
- Temporarily postpone discussions on supplementing the list of treaties contained in the Annex to the Convention until the report of the Sub-Group examining the feasibility of elaborating a definition of terrorism to replace or augment Article 1 of the Convention has been submitted to the CDCT, and the CDCT has decided on possible next steps.

7. Date of the next meeting

- Hold its next meeting back-to-back with the 4th CDCT Plenary Meeting (date and place to be confirmed).

8. Adoption of the List of Decisions

- Adopt the List of Decisions and authorise the Chairperson to inform the CDCT about the outcomes of the 3rd Consultation of the Parties.

APPENDIX I
CONSULTATION OF THE PARTIES
TO
THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM
(CETS No. 196)
AND
ITS ADDITIONAL PROTOCOL
(CETS No. 217)

RULES OF PROCEDURE

The Consultation of the Parties,

Having regard to the Council of Europe Convention on the Prevention of Terrorism, in particular Article 30 thereof, and its Additional Protocol;

Having regard to the “Rules of Procedure” adopted by the Consultation of the Parties on 12 May 2009 and the “Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)” adopted on 2 January 2012 and amended on 12 November 2014;

Bearing in mind the decision of 15 November 2016 by the aforesaid Group of Parties to formally abolish the Group of Parties and henceforth convene in the format of the Consultation of the Parties, cf. Article 30 of the Council of Europe Convention on the Prevention of Terrorism,

Considering the need to clarify and update the working procedures applied by the Consultation of Parties in the fulfilment of its mission as set forth in Article 30 aforementioned, especially in the light of the accomplishment of the tasks of the Group of Parties.

Adopts the following Rules of Procedure:

CHAPTER I

Rules of Procedure

Rule 1 – Functions of the Consultation of the Parties

1) The functions of the Consultation of the Parties, as set out in Article 30 of the Council of Europe Convention on the Prevention of Terrorism (hereinafter “the Convention”), are the following:

- making proposals to facilitate or improve the effective use and implementation of the Convention, including the identification of any problems and the effects of any declaration made under the Convention;
- formulating its opinion on the conformity of a refusal to extradite which is referred to the Consultation of the Parties in accordance with Article 20, paragraph 8, of the Convention;
- making proposals for the amendment of the Convention in accordance with Article 27 thereof;
- formulating its opinion on any proposal for the amendment of the Convention which is referred to it in accordance with Article 27, paragraph 3, thereof;
- expressing an opinion on any question concerning the application of the Convention and facilitating the exchange of information on significant legal, policy or technological developments.

2) In order to facilitate the execution of these functions, the Consultation of the Parties shall, on a voluntary basis, assess periodically the implementation of the Convention and its Additional Protocol by the Parties, cf. Chapter II below.

3) The Consultation of the Parties may, when necessary and within the limits of budgetary appropriations, avail itself of the services of external experts for the purpose of executing its functions, including for assessment purposes.

Rule 2 – Composition of the Consultation of the Parties

1) Parties to the Convention and, where applicable, its Additional Protocol shall be Members of the Consultation of the Parties and shall nominate their respective representative(s).

2) Signatories to the Convention and its Additional Protocol, other member States of the Council of Europe and Observers to the Council of Europe shall be Participants to the Consultation of the Parties and shall nominate their respective representative(s).

3) The Chair of the steering committee designated by the Committee of Ministers of the Council of Europe as responsible for counter-terrorism issues shall participate as an Observer to the Consultation of the Parties.

4) The Consultation of the Parties may invite, on a permanent or *ad hoc* basis, other States or intergovernmental organisations to its meetings as Observers to the Consultation of the Parties.

5) The names and functions of the representatives of the Members, Participants and Observers shall be communicated to the Secretary General of the Council of Europe in advance of meetings of the Consultation of the Parties.

Rule 3 – Meetings of the Consultation of the Parties

1) The Consultation of the Parties shall meet periodically, as laid down in Article 30, paragraph 1, of the Convention. It shall be convened in accordance with Article 30, paragraph 2, of the Convention.

2) The letter of convocation shall be accompanied by a draft agenda, cf. Rule 10.

3) Meetings shall not be held in public, unless the Consultation of the Parties decides otherwise.

4) For the purposes of assessment of the implementation of the Convention and its Additional Protocol, only Parties to that legal instrument, the implementation of which is being assessed, can participate in the meeting.

Rule 4 – Chairperson and Vice-Chairperson of the Consultation of the Parties

1) The Consultation of the Parties shall elect a Chairperson and a Vice-Chairperson from among its Members.

2) The Chairperson shall conduct proceedings, sum up conclusions, put issues to the vote and announce decisions. The Chairperson may call a speaker to order, who departs from the subject under discussion or from the functions of the Consultation of the Parties as set out in Rule 1 above. The Chairperson shall retain her/his right to speak and to vote in her/his capacity as a Member of the Consultation of the Parties.

3) The Vice-Chairperson shall replace the Chairperson, if the latter is absent or otherwise unable to chair the meeting. If both the Chairperson and the Vice-Chairperson are absent, the Chairperson shall be replaced by a Member appointed by the Consultation of the Parties.

4) The terms of office of the Chairperson and the Vice-Chairperson shall be of one year, renewable once.

5) The Chairperson and the Vice-Chairperson shall be elected by a simple majority of the Members with a right to vote. The elections are held by secret ballot, unless the Consultation of the Parties decides otherwise by unanimity.

6) The Consultation of the Parties shall strive to achieve gender balance as well as geographical balance when electing its Chairperson and Vice-Chairperson.

Rule 5 – Secretariat to the Consultation of the Parties

The Secretariat to the Consultation of the Parties shall be provided by the Secretary General of the Council of Europe.

Rule 6 – Languages

The languages used by the Consultation of the Parties shall be the official languages of the Council of Europe.

Rule 7 – Quorum

There shall be a quorum if a majority of the Members of the Consultation of the Parties are present.

Rule 8 – Voting

- 1) Each Member of the Consultation of the Parties shall have one vote.
- 2) The Participants and the Observers shall not have the right to vote.
- 3) The adoption of the Rules of Procedure, as well as any subsequent proposal for amendments to the Rules of Procedure, and of agendas for meetings of the Consultation of the Parties shall be decided by a simple majority of the Members.
- 4) Other decisions shall be adopted by consensus among the Members.

Rule 9 – Agenda

The agenda for a meeting of the Consultation of the Parties shall be adopted at the beginning of that meeting on the basis of a draft prepared by the Secretariat, cf. Rule 3, paragraph 2.

Rule 10 – Documents and List of Decisions

- 1) The Secretariat shall be responsible for the preparation and distribution of documents for the Consultation of the Parties.
- 2) At the end of each meeting, the Consultation of the Parties shall adopt a List of Decisions. The Secretariat shall inform the Committee of Ministers of the Council of Europe and the steering committee designated by the Committee of Ministers of the Council of Europe as responsible for counter-terrorism issues on the decisions taken by the Consultation of the Parties.

Rule 11 – Confidentiality of documents

- 1) Documents submitted by Members of the Consultation of the Parties in the course of assessment activities, drafts of assessment reports, as well as the final assessment reports adopted by the Consultation of the Parties, shall be classified “confidential”.

2) All other documents issued by the Consultation of the Parties, including the final summaries of the assessment reports, shall be public.

3) A Member, a Participant, an Observer, or the Secretariat may request that a document, other than those referred to in paragraph 1 above, submitted by it to the Consultation of the Parties be classified “restricted”, “confidential” or “secret”. If no such request is made, the document in question shall be public.

Rule 12 – Amendments to the Rules of Procedures

The Rules of Procedure may be amended through a proposal by a Member or the Secretariat. Such proposals for amendments shall be decided in accordance with Rule 8, paragraph 3.

Rule 13 – Relationship with previously adopted Rules of Procedures

The present Rules of Procedures replaces the “Rules of Procedure” adopted by the Consultation of the Parties on 12 May 2009 and the “Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)” adopted on 2 January 2012 and amended on 12 November 2014.

CHAPTER II

Self-Assessment

Rule 14 – Function of self-assessment

In accordance with Rule 1, paragraph 2, the Consultation of the Parties shall periodically assess the implementation of the Convention and its Additional Protocol through “self-assessment”.

Rule 15 – Procedures for the self- assessment

1) The “self-assessment” shall be conducted in a procedure divided by rounds. Each assessment round shall concern the implementation of one or more provisions of the Convention and/or its Additional Protocol.

2) For each assessment round, the Consultation of the Parties shall decide on the specific provision(s) of the Convention and/or its Additional Protocol to be assessed.

3) A questionnaire for each assessment round shall be adopted by the Consultation of the Parties on the basis of a draft prepared by the Secretariat.

4) The adopted questionnaire shall be addressed to the relevant Parties through their representatives in the Consultation of the Parties.

5) The replies to questionnaires should be sent to the Secretariat by the date agreed by the Consultation of the Parties. Replies should be full and detailed and written in one of the official languages of the Council of Europe. The replies should contain all relevant reference texts, translated into one of the official languages of the Council of Europe where necessary. If appropriate, replies should also include relevant statistics.

6) On the basis of the replies received from Parties, the Secretariat shall prepare a draft assessment report. It shall contain an analysis of the replies and conclusions drawn from this analysis, as well as appropriate recommendations.

7) The draft assessment report shall be made available to the relevant Parties at least four weeks in advance of the meeting at which it is to be discussed. Any comments or requests for amendments received prior to the meeting shall also be made available to the relevant Parties.

8) The Consultation of the Parties, meeting in accordance with Rule 3, paragraph 4, shall examine the draft assessment report, taking into account any comments or requests for amendments received prior to or made during the meeting in question.

9) The Consultation of the Parties shall adopt the assessment report and instruct the Secretariat to submit a public summary of the assessment report, without explicit references to Parties, to the steering committee designated by the Committee of Ministers of the Council of Europe as responsible for counter-terrorism issues, for information.