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OF THE EUROPEAN UNION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

**Analysis and drafting proposals for possible further development of various options in
relation to voting by the Committee of Ministers under Article 7, paragraph 4 of the
Accession Agreement (document prepared by the Secretariat)**

Strasbourg, Tuesday 31 January 2023 (9.30 am) – Thursday 2 February 2023 (5.00 pm)

(Agora, Room G02)

Council of Europe

Analysis and drafting proposals for possible further development of various options in relation to voting by the Committee of Ministers under Article 7, paragraph 4 of the Accession Agreement (document prepared by the Secretariat)

I. Introduction

1. The present document results from the decision of the Group at its 16th meeting, asking the Secretariat to “conduct a numerical analysis and prepared drafting proposals, as necessary, on a different criterion for choosing between alternative voting regimes under the revised Rule 18, on possible guidance to the CM/DH Chair concerning application of Rule 18, and on the possible development of the 1-vote option”.¹ It builds on the “Possible drafting proposals for and analysis of the consequences of the various options in relation to voting by the Committee of Ministers under Article 7, paragraph 4 of the Accession Agreement (document prepared by the Secretariat)”.² It may also be recalled that one delegation had earlier made a proposal for a revised version of Rule 18, and that the Secretariat had provided a numerical analysis of this earlier proposal.³

II. Presentation of the three new ideas under examination

2. The following three ideas emerged during discussions at the 16th meeting:

- A. A different criterion could be used for choosing between alternative voting regimes under the revised Rule 18. This criterion would be the voting choice of the EU. Once this is known, the appropriate regime would be applied to ensure that the support of non-EU member States would be needed for either the adoption or the rejection of a decision.
- B. Instead of alternative voting regimes under the revised Rule 18 for procedural issues, interim resolutions, and other decisions, the accession instruments could recall that the Chair of the CM/DH should ensure that the effectiveness of Rule 18 is not undermined and give guidance to the Chair to that effect.
- C. The 1-vote option could be developed so that if the EU were co-respondent in a case, the EU member State that is the respondent Party would retain its vote in the Committee of Ministers on decisions concerning implementation of the judgment.

3. There are similarities between the above options A and, as it is developed in this paper, B. Both are based on Rule 18 from the 2013 accession instruments. Both propose solutions only for interim resolutions, ‘other decisions’, and decisions relating to procedural matters. Both maintain the existing practice of only having recourse to votes when the Committee of Ministers is unable to adopt a decision by consensus. Both involve indicative votes,⁴ with a renewed possibility of adoption by consensus should the result of the indicative vote be sufficiently conclusive. Both include different hyperminority rules that reflect the current hierarchical distinction between (i) decisions under Article 46 of the Convention, (ii) final resolutions, interim resolutions and ‘other decisions’, and (iii) procedural decisions.

4. Where they differ is in how they address the fundamental problem of ensuring that the EU and its member States alone cannot determine the outcome of votes where the interest of the EU may vary according to the content of a decision, as opposed to its type. Essentially,

¹ See the report of the 16th meeting, CDDH46+1(2022)R16, para. 16.

² Doc. 46+1(2022)27corr.

³ Docs. 46+1(2022)20 and 46+1(2022)21 (both restricted).

⁴ It can be noted that the use of indicative voting is already an established practice of the Committee of Ministers: see Article 10(7) of the [iGuide on the Committee of Ministers’ Procedures and working methods](#).

option A allows for the possibility of a formal vote on any proposal, with different voting regimes available depending on whether the EU supports or opposes the proposal; whereas option B allows for the possibility of a formal vote on a proposal only when it has a specified level of support from non-EU member States.

A. *Alternative voting regimes under the revised Rule 18, depending upon the voting choice of the EU*

5. The “Possible drafting proposals for and analysis of the consequences of the various options” document includes a proposal to revise the existing Rule 18 in such a way as to ensure that it gives effect to the principle set out in Article 7, paragraph 4 of the draft Accession Agreement, namely that “the exercise of the right to vote by the EU and its member States shall not prejudice the effective exercise by the Committee of Ministers of its supervisory functions under Articles 39 and 46 of the Convention”. In order to avoid possible counter-productive effects of a hyper-minority rule in cases where the voting preference of the EU and its member States may vary according to the substantive content of a decision, this earlier proposal introduced different voting rules (regimes) depending on the Party that tables a decision. The hyper-minority rule would ensure that the coordinated votes of the EU and its member States, either alone or with the votes of only a small number other Parties, would not be able to block a decision tabled by another Party, which they did not support; and the alternative qualified majority rule would ensure that their votes alone would not be enough to adopt a decision that one of their own number had tabled, and which they did support.

6. At the 16th meeting, several delegations expressed doubts about the adequacy of using the origin of a proposed decision as the criterion for determining the appropriate voting regime. During the ensuing discussions, the idea emerged of using the voting choice of the EU as a possible alternative criterion for determining the appropriate regime.

7. The Chair could first call an indicative vote of the Committee of Ministers. The results of this indicative vote may give grounds for the Chair again to ask the Committee of Ministers whether the decision can be adopted by consensus. Should it nevertheless be necessary, the Chair would call a formal vote, with the applicable voting regime to be determined on the basis of how the EU casts its formal vote.

8. If the EU’s voting choice is in favour of a decision, then a qualified majority rule would apply for its adoption, ensuring that the additional votes of a certain number of non-EU member States would be required for the decision to be adopted. If the EU’s voting choice is against a decision, then a hyper-minority rule would apply for its adoption, ensuring that the EU and its member States could not prevent the adoption of a decision that was supported by a certain number of non-EU member States. If the EU has no clear voting choice – because it abstained or did not participate in the formal vote – then the hyper-minority rule would apply to ensure that the decision could nevertheless be adopted, provided it is supported by a certain number of non-EU member States.

B. *Ensuring a sufficient level of support for a proposal from Parties other than the EU and its member States*

9. This approach assumes that most initial proposals from the Secretariat/ Chair for interim resolutions or procedural decisions (e.g. to put a case under enhanced supervision or to add it to the order of business for examination at a CM/DH meeting) would be considered negatively by the EU, and that specific voting arrangements to ensure compliance with the principle in Article 7, paragraph 4 of the draft Accession Agreement would be necessary only in very rare cases where a competing proposal has been tabled by the EU or its Member States. Since Rule 18 already includes a provision on procedural decisions, the only additional formal voting rule would be a two-ninths hyper-minority for adoption of interim resolutions.

10. During elaboration of the drafting proposal, it became apparent that an approach based on guidance given to the Chair in the explanatory report should be accompanied by legal rules establishing procedures and thresholds, in order to provide the necessary transparency, clarity and legal certainty. This approach has therefore been reinforced by adding a procedural safeguard to Rule 18 that would specify the circumstances in which the Committee of Ministers may vote upon proposals, with, as a corollary of this, clarification in the explanatory report that the Chair would determine the order in which to examine competing proposals.

11. This approach therefore develops Rule 18 in such a way as to ensure that it gives effect to the principle set out in Article 7, paragraph 4 of the draft Accession Agreement. In other words, Rule 18, revised only by adding a rule for interim resolutions and procedural safeguards, would suffice to ensure that the coordinated voting of the EU and its member States does not allow them to determine the outcome of votes regardless of the position of the other Parties.

12. If there are contrary proposals under examination, e.g. a proposal from the EU and a counter-proposal from a non-EU member State, then the Chair would be able to proceed to an indicative vote. This may show clearly that one of these proposals would be likely to attract the necessary majority, without calling into question the principle set out in Article 7, paragraph 4 – in which case it may be possible to adopt that proposal by consensus. Should it nevertheless be necessary to call a formal vote, the accession instruments would recognise that, regardless of the normal rules on the order of voting on multiple proposals and further to the aforementioned principle in Article 7, paragraph 4, the Chair could put to the vote either the original proposal of the Secretariat/ Chair, or the non-EU member State's counter-proposal to an EU proposal.

C. “1+1-vote”

13. This approach builds on the “1-vote option”, involving the EU and its member States exercising a single collective vote when voting on decisions concerning the implementation of a judgment by the EU. By minimizing the size/ weight of the bloc of votes wielded through the coordinated action of the EU and its member States, it would no longer be possible for them to determine the outcome of a vote.

14. It may be, however, that the case was originally brought against an EU member State and the EU had been added as co-respondent. The idea would then be to allow the respondent EU member State to retain its individual vote, so that there would be a single collective vote of the EU and its member States in relation to the EU as co-respondent, and a single vote of the EU member State concerned as respondent. Should there be more than one respondent EU member State, however, this may raise additional questions.

III. Possible drafting proposals

A. *Alternative voting regimes under the revised Rule 18, depending upon the voting choice of the EU*

15. The drafting proposal in this case is based on Rule 18 from the 2013 accession instruments and is a variant on “Option I” as presented in document 46+1(2022)27corr. As regards the explanatory report, the drafting proposal below covers only those additions that are specific to this approach, and not those that would be necessary for all of the various approaches that have been considered (e.g. amendment of paragraph 89 to reflect the fact that there would be a new rule on interim resolutions and ‘other decisions’).

- (i) Amendments to Rule 18:

Rule 18 – Judgments and friendly settlements in cases to which the European Union is a party

1. Decisions by the Committee of Ministers under Rule 17 (Final Resolution) of the present rules shall be ~~considered as~~⁵ adopted if a majority of four fifths of the representatives casting a vote and a majority of two thirds of the representatives entitled to sit on the Committee of Ministers are in favour.

2. Decisions by the Committee of Ministers under Rule 10 (Referral to the Court for interpretation of a judgment) and under Rule 11 (Infringement proceedings) of the present rules shall be ~~considered as~~ adopted if one fourth of the representatives entitled to sit on the Committee of Ministers is in favour.

2a. Decisions by the Committee of Ministers under Rule 16 (Interim Resolution) and decisions other than those under Rules 10, 11 or 17, when the European Union votes in favour of the decision, shall be adopted in accordance with the rule set out in paragraph 1.

2b. Decisions by the Committee of Ministers under Rule 16 (Interim Resolution) and decisions other than those under Rules 10, 11 or 17, when the European Union does not vote in favour of the decision, shall be adopted if two ninths of the representatives entitled to sit on the Committee of Ministers are in favour.

3. **Decisions on procedural issues, when the European Union votes in favour of the decision, shall be adopted if a majority of three quarters of the representatives casting a vote and a majority of two thirds of representatives entitled to sit on the Committee of Ministers are in favour.**

3a. Decisions on procedural issues ~~or merely requesting information~~, when the European Union does not vote in favour of the decision, shall be ~~considered as~~ adopted if one fifth of the representatives entitled to sit on the Committee of Ministers is in favour.

4. Amendments to the provisions of this rule shall require consensus by all High Contracting Parties to the Convention.

(i) Amendments to the explanatory report:

89a. Rule 18 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements includes alternative voting regimes for the adoption of interim resolutions, decisions on procedural issues, and “other decisions” in cases to which the European Union is a party. The applicable voting regime is determined by the voting choice of the European Union, so as to give effect to the principle in Article 7, paragraph 4 of the Accession Agreement, namely that “the exercise of the right to vote by the European Union and its member States shall not prejudice the effective exercise by the Committee of Ministers of its supervisory functions under Articles 39 and 46 of the Convention”. This means ensuring that the coordinated votes of the European Union and its member States, either alone or with the

⁵ The words “considered as” have been deleted further to the DLAPIL “Legal Opinion on Article 7(4)(a) of the draft Accession Agreement: Laying down voting rules in the Committee of Ministers Rules for the supervision of the execution of judgments and of the terms of friendly settlements”, doc. DLAPIL21/2022_JP/IS.

support of only a small number of other Parties, do not determine whether a decision is adopted or not.

89b. The Chair could first call an indicative vote of the Committee of Ministers. The results of this vote may be such that the decision can then be adopted by consensus. Should it be necessary, the Chair would call a formal vote, with the applicable voting regime being determined on the basis of how the European Union casts its formal vote.

89c. If the European Union indicates support for a decision, then a qualified majority rule would apply for its adoption, ensuring that the votes of a certain number of non-European Union member States would be required for the decision to be adopted. If the European Union indicates opposition to a decision, then a hyper-minority rule would apply for its adoption, ensuring that the European Union and its member States could not prevent the adoption of a decision that was supported by the relevant number of the other Parties. If the European Union does not indicate any voting choice, then the hyper-minority rule would apply to ensure that the decision could nevertheless be adopted, provided that it is supported by the relevant number of non-European Union member States.

B. Ensuring a sufficient level of support for a proposal from Parties other than the EU and its member States

16. The drafting proposal in this case would be based on Rule 18 from the 2013 accession instruments. As for option A above, the proposal covers only those additions to the explanatory report that are specific to this approach, and not those that would be necessary for all of the various approaches that have been considered.

- (i) Amendments to Rule 18:

Rule 18 – Judgments and friendly settlements in cases to which the European Union is a party

1. Decisions by the Committee of Ministers under Rule 17 (Final Resolution) of the present rules shall be ~~considered as~~ adopted if a majority of four fifths of the representatives casting a vote and a majority of two thirds of the representatives entitled to sit on the Committee of Ministers are in favour.

2. Decisions by the Committee of Ministers under Rule 10 (Referral to the Court for interpretation of a judgment) and under Rule 11 (Infringement proceedings) of the present rules shall be ~~considered as~~ adopted if one fourth of the representatives entitled to sit on the Committee of Ministers is in favour.

2a. Decisions by the Committee of Ministers under Rule 16 (Interim Resolution) and decisions other than those under Rules 10, 11 or 17 shall be adopted if two ninths of the representatives entitled to sit on the Committee of Ministers is in favour.

3. Decisions on procedural issues ~~or merely requesting information~~, shall be ~~considered as~~ adopted if one fifth of the representatives entitled to sit on the Committee of Ministers is in favour.

4. **The Committee of Ministers shall only vote to adopt a decision under paragraph 2a or 3 once it has been established that a certain number of the**

Parties other than the EU and its member States are in favour. That number shall be equal to the number of the representatives entitled to sit on the Committee of Ministers who would have to be in favour for the decision to be adopted.

5. Amendments to the provisions of this rule shall require consensus by all High Contracting Parties to the Convention.

(ii) Amendments to the explanatory report:

89a. Rule 18 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements is intended to give effect to the principle in Article 7, paragraph 4 of the Accession Agreement, namely that “the exercise of the right to vote by the EU and its member States shall not prejudice the effective exercise by the Committee of Ministers of its supervisory functions under Articles 39 and 46 of the Convention”. This means ensuring that the coordinated votes of the European Union and its member States, either alone or with the support of only a small number of other Parties, do not determine whether a decision is adopted or not.

89b. In this respect, Rule 18, paragraph 4 contains a special provision concerning any proposal for a decision other than a final resolution or a decision under Article 46, paragraph 3 or 4 of the Convention in relation to a case to which the European Union is a party. The Chair will ensure effective application of the principle in Article 7, paragraph 4 of the Accession Agreement when determining the order in which competing proposals are examined. In accordance with the usual practice, the Chair will first ask the Committee of Ministers whether it is possible to adopt a proposal by consensus. If a Party requests a vote, the Chair will proceed to a formal vote only once it has been established, by an indicative vote or otherwise, that a certain number of the Parties other than the EU and its member States are in favour. That number shall be equal to the number of the representatives entitled to sit on the Committee of Ministers who would have to be in favour for the decision to be adopted.

C. “1+1-vote”

17. The drafting proposal in this case is a variant on “Option III” as presented in document 46+1(2022)27corr.

(i) New Article 7, paragraph 3a of the draft Accession Agreement:

1. Article 46, paragraph 3 of the Convention, shall be amended as follows: “[...] A referral decision shall require a majority vote of two thirds of the representatives entitled to **vote sit on the committee.**”

2. Article 46, paragraph 4 of the Convention shall be amended as follows: “[...] and by decision adopted by a majority vote of two thirds of the representatives entitled to **vote sit on the committee,** [...].”

(ii) Amendments to Article 7, paragraph 4 of the draft Accession Agreement:

The exercise of the right to vote by the European Union and its member States shall not prejudice the effective exercise by the Committee of Ministers of its supervisory functions under Articles 39 and 46 of the Convention. In particular, the following shall apply:

a. in relation to cases where the Committee of Ministers supervises the fulfilment of obligations either by the European Union alone, or by the European

Union and one or more of its member States jointly, it derives from the European Union treaties that the European Union and its member States express positions and vote in a co-ordinated manner. **In such circumstances, the European Union and its member States together shall be entitled to one vote. Any member State of the European Union that is a respondent party to the case shall also be entitled to one vote.** The Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements shall be adapted to ensure that the Committee of Ministers effectively exercises its functions in those circumstances;

b. where the Committee of Ministers otherwise supervises the fulfilment of obligations by a High Contracting Party other than the European Union, the member States of the European Union are free under the European Union treaties to express their own position and exercise their right to vote.

(iii) Amendments to the Committee of Ministers' Rules:

Rule 1

1. The exercise of the powers of the Committee of Ministers under Article 46, paragraphs 2 to 5, and Article 39, paragraph 4, of the European Convention on Human Rights, is governed by the present Rules.

2. Unless otherwise provided in the present Rules, the general rules of procedure of the meetings of the Committee of Ministers and of the Ministers' Deputies shall apply when exercising these powers.

3. Where the European Union alone, or the European Union and one or more of its member States jointly, are party to a case under examination, the European Union and its member states shall be entitled to one vote when the Committee of Ministers exercises these powers. Any member State of the European Union that is a respondent party to the case shall also be entitled to one vote.

Rule 10 - Referral to the Court for interpretation of a judgment

1. When, in accordance with Article 46, paragraph 3, of the Convention, the Committee of Ministers considers that the supervision of the execution of a final judgment is hindered by a problem of interpretation of the judgment, it may refer the matter to the Court for a ruling on the question of interpretation. A referral decision shall require a majority vote of two thirds of the representatives entitled to ~~vote sit on~~ **vote** ~~the Committee~~.

2. A referral decision may be taken at any time during the Committee of Ministers' supervision of the execution of the judgments.

3. A referral decision shall take the form of an interim resolution. It shall be reasoned and reflect the different views within the Committee of Ministers, in particular that of the High Contracting Party concerned.

4. If need be, the Committee of Ministers shall be represented before the Court by its Chair, unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to ~~vote sit on the Committee~~ **vote**.

Rule 11 - Infringement Proceedings

1. When, in accordance with Article 46, paragraph 4, of the Convention, the Committee of Ministers considers that a High Contracting Party refuses to abide by a final judgment in a case to which it is party, it may, after serving formal notice on that Party and by decision adopted by a majority vote of two thirds of the representatives entitled to ~~vote sit on the Committee~~ **vote**, refer to the Court the question whether that Party has failed to fulfil its obligation.

2. Infringement proceedings should be brought only in exceptional circumstances. They shall not be initiated unless formal notice of the Committee's intention to bring such proceedings has been given to the High Contracting Party concerned. Such formal notice shall be given ultimately six months before the lodging of proceedings, unless the Committee decides otherwise, and shall take the form of an interim resolution. This resolution shall be adopted by a majority vote of two-thirds of the representatives entitled to **vote sit on the Committee**.

3. The referral decision of the matter to the Court shall take the form of an interim resolution. It shall be reasoned and concisely reflect the views of the High Contracting Party concerned.

4. The Committee of Ministers shall be represented before the Court by its Chair unless the Committee decides upon another form of representation. This decision shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to **vote sit on the Committee**.

IV. Numerical analysis

a. Final resolutions

	Article 20(d) of the Statute (current rule if applied following accession)	Options A & B (Rule 18(1) under the 2013 instruments)	Option C (“1+1”-vote/ the rule under Article 20(d) of the Statute)
	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee of Ministers	A majority of four fifths of the representatives casting a vote and a majority of two thirds of the representatives entitled to sit on the Committee of Ministers	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to vote
Number of representatives entitled to sit/vote on the CM	47	47	21
Bottom threshold of total favourable votes needed for adoption	24	32	11
Max number of possible votes cast by EU+MS	28	28	2
Max number of possible votes cast by NEUMS	19	19	19
Votes in favour required to adopt the resolution⁶	32	38	14
EU+MS support is necessary to adopt the resolution⁶	Yes	Yes	No
NEUMS support is necessary to adopt the resolution⁶	Yes	Yes	Yes
NEUMS support required to adopt the resolution⁶	4	10	12
NEUMS required to block adoption⁶	16	10	8

⁶ If all representatives entitled to sit/vote cast a vote. For a complete analysis of the NEUMS votes required depending on the votes cast see the Appendix.

b. Referrals for interpretation and infringement proceedings

	Article 46(3) & (4) ECHR (current rule if applied following accession)	Options A & B (Rule 18(2) under the 2013 instruments)	Option C (“1+1”-vote/ the rule under Article 46(3) & (4) ECHR)
	A two-thirds majority of the representatives entitled to sit on the Committee of Ministers	One fourth of the representatives entitled to sit on the CM	A two-thirds majority of the representatives entitled to vote on the Committee of Ministers
Number of representatives entitled to sit/vote on the CM	47	47	21
Votes needed for adoption	32	12	14
Max number of possible votes cast by EU+MS	28	28	2
Max number of possible votes cast by NEUMS	19	19	19
EU+MS support is necessary to adopt the decision⁷	Yes	No	No
NEUMS support is necessary to adopt the decision⁷	Yes	Yes	Yes
NEUMS required to adopt the decision⁷	4	12	14
NEUMS required to block adoption⁷	16	8	6

⁷ If all representatives entitled to sit/vote cast a vote. For a complete analysis of the NEUMS votes required depending on the votes cast see the Appendix.

c. Procedural issues

	Article 20(b) of the Statute (current rule if applied following accession)	Option A		Option B (Rule 18(3) under the 2013 instruments)	Option C (“1+1”-vote/ the rule under Article 20(b) of the Statute)
	A simple majority of the representatives entitled to sit on the CM	One fifth of the representatives entitled to sit on the CM <u>if the EU does not vote in favour</u>	Three quarters of the representatives casting a vote and two thirds of representatives entitled to sit on the CM <u>if the EU votes in favour</u>	One fifth of the representatives entitled to sit on the CM	A simple majority of the representatives entitled to vote
Number of representatives entitled to sit/vote on the CM	47	47	47	47	21
Bottom threshold of total favourable votes needed for adoption	24	10	32	10	11
Votes in favour needed for adoption⁸	24	10	36	10	11
Max number of possible votes cast by EU+MS	28	28	28	28	2
Max number of possible votes cast by NEUMS	19	19	19	19	19
EU+MS support is necessary to adopt the decision⁸	Yes	EU+MS cannot block the adoption of a decision they do not support but EU+MS can adopt a decision they support without the support of NEUMS	Yes	No (because the decision is not put to the vote unless the level of NEUMS support alone is enough to adopt it)	No
NEUMS support is necessary to adopt a decision⁸	No	NEUMS cannot block the adoption of a decision they do not support but NEUMS can adopt a decision they support	Yes	Yes (because the decision is not put to the vote unless enough NEUMS support it)	Yes

⁸ If all representatives entitled to sit/vote cast a vote. For a complete analysis of the NEUMS votes required depending on the votes cast see the Appendix.

		without the support of EU+MS			
NEUMS required to adopt the decision⁸	Number of NEUMS votes insufficient to adopt the decision	10	8	10	11
NEUMS required to block adoption⁸	Number of NEUMS votes insufficient to block adoption	10	12	10	9

d. Interim resolutions

	Article 20(d) of the Statute (current rule if applied following accession)	Option A		Option B	Option C (“1+1”-vote/ the rule under Article 20(d) of the Statute)
	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the CM	Two-ninths of the representatives entitled to sit on the CM if <u>if the EU does not vote in favour</u>	A majority of four fifths of the representatives casting a vote and a majority of two thirds of the representatives entitled to sit on the CM <u>if the EU votes in favour</u>	Two-ninths of the representatives entitled to sit on the CM	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to vote
Number of representatives entitled to sit/vote on the CM	47	47	47	47	21
Bottom threshold of total favourable votes needed for adoption	24	11	32	11	11
Max number of possible votes cast by EU+MS	28	28	28	28	2
Max number of possible votes cast by NEUMS	19	19	19	19	19
Votes in favour required to adopt the resolution⁹	32	11	38	11	14
EU+MS support is necessary to adopt the resolution⁹	Yes	No	Yes	No	No
NEUMS support is necessary to adopt the resolution⁹	Yes	Yes	Yes	Yes	Yes
NEUMS votes required to adopt the resolution⁹	4	11¹⁰	10	11¹⁰	14

⁹ If all representatives entitled to sit/vote cast a vote. For a complete analysis of the NEUMS votes required depending on the votes cast see the Appendix.

¹⁰ Assuming that the EU+MS vote against.

NEUMS votes required to block adoption⁹	17	9¹⁰	10	9¹⁰	6
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e. Other decisions

“Other decisions” refers to those that do not fall within the categories examined in the tables above. In the drafting proposals for options A and B, interim resolutions and ‘other decisions’ are dealt with in the same provisions, as the same voting rule would apply to both.

	Article 20(d) of the Statute (current rule if applied following accession)	Option A		Option B	Option C (“1+1”-vote/ the rule under Article 20(d) of the Statute)
	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the CM	Two ninths of the representatives entitled to sit on the CM <u>if the EU does not vote in favour</u>	A majority of four fifths of the representatives casting a vote and a majority of two thirds of the representatives entitled to sit on the CM <u>if the EU votes in favour</u>	Two ninths of the representatives entitled to sit on the CM	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to vote
Number of representatives entitled to sit/vote on the CM	47	47	47	47	21
Bottom threshold of total favourable votes needed for adoption	24	11	32	11	11
Max number of possible votes cast by EU+MS	28	28	28	28	2
Max number of possible votes cast by NEUMS	19	19	19	19	19
Votes in favour required to adopt the decision¹¹	32	11	38	11	14
EU+MS support is necessary to adopt the decision¹¹	Yes	No	Yes	No	No
NEUMS support is necessary to adopt the resolution¹¹	Yes	Yes	Yes	Yes	Yes

¹¹ If all representatives entitled to sit/vote cast a vote. For a complete analysis of the NEUMS votes required depending on the votes cast see Appendix.

NEUMS votes required to adopt the resolution¹¹	4	11	10	11	14
NEUMS votes required to block adoption¹⁰	17	9	10	9	6

Appendix: breakdown of the options according to the number of votes cast

a. FINAL RESOLUTIONS: Analysis of the three proposed voting options according to the number of votes cast							
Options A & B				Option C			
Votes Cast	4/5 Majority of the votes cast including a 2/3 majority of the parties entitled to sit on the CM (current proposal)	Number of NEUMS votes required to adopt a final resolution in addition to the EU 28 ¹²	Number of NEUMS votes required to block a resolution	Votes Cast	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to vote	Number of NEUMS votes required to adopt a final resolution in addition to the EU ¹	Number of NEUMS votes required to block a resolution
47	38	10	10	21	14	12	8
46	37	9	10	20	14	12	7
45	36	8	10	19	13	11	7
44	36	8	9	18	12	10	7
43	35	7	9	17	12	10	6
42	34	6	9	16	11	9	6
41	33	5	9	15	11	9	5
40	32	4	9	14	11	9	4
39	32	4	8	13	11	9	3
38	32	4	7	12	11	9	2
37	32	4	6	11	11	9	1
36	32	4	5	10-1	Bottom threshold not reached		
35	32	4	4				
34	32	4	3				
33	32	4	2				
32	32	4	1				
31-1	Bottom threshold not reached						

¹² It is assumed that the EU+MS would vote in favour of adoption of the decision.

b. REFERRALS AND INFRINGEMENTS: Analysis of the three proposed voting options according to the number of votes cast

Options A & B				Option C			
Votes Cast	One fourth of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a decision (assuming EU 28 voting against or abstaining)	Number of NEUMS votes required to block a decision	Votes Cast	A two-thirds majority of the representatives entitled to vote	Number of NEUMS votes required to adopt a decision ¹³	Number of NEUMS votes required to block a decision
47-19	12	12	8	21	14	14	6
18	12	12	7	20	14	14	5
17	12	12	6	19	14	14	4
16	12	12	5	18	14	14	3
15	12	12	4	17	14	14	2
14	12	12	3	16	14	14	1
13	12	12	2	15-1	Bottom threshold not reached		
12	12	12	1				
11-1	Bottom threshold not reached						

¹³ It is assumed that the EU+MS would not vote in favour of adoption of the decision.

c. PROCEDURAL ISSUES: analysis of the three proposed voting options according to the number of votes cast

Option A				Option B				Option C							
Votes Cast	If the EU does not vote in favour			If the EU votes in favour			Votes Cast	One fifth of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a decision	Number of NEUMS votes required to block a decision	Votes Cast	A simple majority of the representatives entitled to vote	Number of NEUMS votes required to adopt a decision	Number of NEUMS votes required to block a decision	
	One fifth of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a decision (assuming EU 28 voting against or abstaining)	Number of NEUMS votes required to block a decision	Three quarters of the representatives casting a vote and two thirds of representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a decision in addition to the EU 28	Number of NEUMS votes required to block a decision									
47	10	10	10	36	8	12	47	10	10	10	21	11	11	9	
46	10	10	10	35	7	12	46	10	10	10	20	11	11	8	
45	10	10	10	34	6	12	45	10	10	10	19	11	11	7	
44	10	10	10	33	5	12	44	10	10	10	18	11	11	6	
43	10	10	10	33	5	11	43	10	10	10	17	11	11	5	
42	10	10	10	32	4	11	42	10	10	10	16	11	11	4	
41	10	10	10	32	4	10	41	10	10	10	15	11	11	3	
40	10	10	10	32	4	9	40	10	10	10	14	11	11	2	
39	10	10	10	32	4	8	39	10	10	10	13	11	11	1	
38	10	10	10	32	4	7	38	10	10	10	12 ¹⁴	11	11	1	
37	10	10	10	32	4	6	37	10	10	10	11	11	11	1	
36	10	10	10	32	4	5	36	10	10	10	10-1	Bottom threshold not reached			
35	10	10	10	32	4	4	35	10	10	10					
34	10	10	10	32	4	3	34	10	10	10					
33	10	10	10	32	4	2	33	10	10	10					
32	10	10	10	32	4	1	32	10	10	10					
31-19	10	10	10	Bottom threshold not reached			31-19	10	10	10					
18	10	10	9				18	10	10	9					
17	10	10	8				17	10	10	8					

¹⁴ If a total of 12 or 11 votes were cast, the decision could only be adopted if the EU+MS and the EUMS respondent party voted in favour.

16	10	10	7
15	10	10	6
14	10	10	5
13	10	10	4
12	10	10	3
11	10	10	2
10	10	10	1
9-1	Bottom threshold not reached		

16	10	10	7
15	10	10	6
14	10	10	5
13	10	10	4
12	10	10	3
11	10	10	2
10	10	10	1
9-1	Bottom threshold not reached		

d. INTERIM RESOLUTIONS: Analysis of the three proposed voting options according to the number of votes cast

d. INTERIM RESOLUTIONS: Analysis of the three proposed voting options according to the number of votes cast														
Option A							Option B				Option C			
Votes Cast	If the EU does not vote in favour			If the EU votes in favour			Votes cast	Two ninths of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a resolution	Number of NEUMS votes required to block a resolution	Votes Cast	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to vote	Number of NEUMS votes required to adopt a resolution	Number of NEUMS votes required to block a resolution
	Two ninths of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a resolution (assuming EU 28 voting against or abstaining)	Number of NEUMS votes required to block a resolution	4/5 Majority of the votes cast including a 2/3 majority of the parties entitled to sit on the CM	Number of NEUMS votes required to adopt a resolution in addition to the EU 28	Number of NEUMS votes required to block a resolution								
47	11	11	9	38	10	10	47	11	11	9	21	14	14	6
46	11	11	9	37	9	10	46	11	11	9	20	14	14	5
45	11	11	9	36	8	10	45	11	11	9	19	13	13	5
44	11	11	9	36	8	9	44	11	11	9	18	12	12	5
43	11	11	9	35	7	9	43	11	11	9	17	11	11	5
42	11	11	9	34	6	9	42	11	11	9	16	11	11	4
41	11	11	9	33	5	9	41	11	11	9	15	11	11	3
40	11	11	9	32	4	9	40	11	11	9	14	11	11	2
39	11	11	9	32	4	8	39	11	11	9	13	11	11	1
38	11	11	9	32	4	7	38	11	11	9	12	11	11	1
37	11	11	9	32	4	7	37	11	11	9	11	11	11	1
36	11	11	9	32	4	6	36	11	11	9	10-1	Bottom threshold not reached		
35	11	11	9	32	4	5	35	11	11	9				
34	11	11	9	32	4	4	34	11	11	9				
33	11	11	9	32	4	3	33	11	11	9				
32	11	11	9	32	4	2	32	11	11	9				

31	11	11	9
30	11	11	9
29	11	11	9
28	11	11	9
27	11	11	9
26	11	11	9
25	11	11	9
24	11	11	9
23	11	11	9
22	11	11	9
21	11	11	9
20	11	11	9
19	11	11	9
18	11	11	8
17	11	11	7
16	11	11	6
15	11	11	5
14	11	11	4
13	11	11	3
12	11	11	2
11	11	11	1
10-1	Bottom threshold not reached		

32	4	1
Bottom threshold not reached		

31	11	11	9
30	11	11	9
29	11	11	9
28	11	11	9
27	11	11	9
26	11	11	9
25	11	11	9
24	11	11	9
23	11	11	9
22	11	11	9
21	11	11	9
20	11	11	9
19	11	11	9
18	11	11	8
17	11	11	7
16	11	11	6
15	11	11	5
14	11	11	4
13	11	11	3
12	11	11	2
11	11	11	1
10-1	Bottom threshold not reached		

e. OTHER DECISIONS: Analysis of the three proposed voting options according to the number of votes cast

e. OTHER DECISIONS: Analysis of the three proposed voting options according to the number of votes cast															
Option A					Option B					Option C					
Votes Cast	If the EU does not vote in favour				If the EU votes in favour			Votes Cast	Two ninths of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a decision	Number of NEUMS votes required to block a decision	Votes Cast	A two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to vote	Number of NEUMS votes required to adopt a decision	Number of NEUMS votes required to block a decision
	Two ninths of the representatives entitled to sit on the CM	Number of NEUMS votes required to adopt a decision (assuming EU 28 voting against or abstaining)	Number of NEUMS votes required to block a decision	4/5 Majority of the votes cast including a 2/3 majority of the parties entitled to sit on the CM	Number of NEUMS votes required to adopt a decision in addition to the EU 28	Number of NEUMS votes required to block a decision									
47	11	11	9	38	10	10	47	11	11	9	21	14	14	6	
46	11	11	9	37	9	10	46	11	11	9	20	14	14	5	
45	11	11	9	36	8	10	45	11	11	9	19	13	13	5	
44	11	11	9	36	8	9	44	11	11	9	18	12	12	5	
43	11	11	9	35	7	9	43	11	11	9	17	11	11	5	
42	11	11	9	34	6	9	42	11	11	9	16	11	11	4	
41	11	11	9	33	5	9	41	11	11	9	15	11	11	3	
40	11	11	9	32	4	9	40	11	11	9	14	11	11	2	
39	11	11	9	32	4	8	39	11	11	9	13	11	11	1	
38	11	11	9	32	4	7	38	11	11	9	12	11	11	1	
37	11	11	9	32	4	6	37	11	11	9	11	11	11	1	
36	11	11	9	32	4	5	36	11	11	9	10-1	Bottom threshold not reached			
35	11	11	9	32	4	4	35	11	11	9					
34	11	11	9	32	4	3	34	11	11	9					
33	11	11	9	32	4	2	33	11	11	9					
32	11	11	9	32	4	1	32	11	11	9					
31	11	11	9	Bottom threshold not reached			31	11	11	9					
30	11	11	9				30	11	11	9					

29	11	11	9
28	11	11	9
27	11	11	9
26	11	11	9
25	11	11	9
24	11	11	9
23	11	11	9
22	11	11	9
21	11	11	9
20	11	11	9
19	11	11	9
18	11	11	8
17	11	11	7
16	11	11	6
15	11	11	5
14	11	11	4
13	11	11	3
12	11	11	2
11	11	11	1
10-1	Bottom threshold not reached		

29	11	11	9
28	11	11	9
27	11	11	9
26	11	11	9
25	11	11	9
24	11	11	9
23	11	11	9
22	11	11	9
21	11	11	9
20	11	11	9
19	11	11	9
18	11	11	8
17	11	11	7
16	11	11	6
15	11	11	5
14	11	11	4
13	11	11	3
12	11	11	2
11	11	11	1
10-1	Bottom threshold not reached		