



97th meeting of the European Committee on Legal Co-operation (CDCJ)

Strasbourg, 1-3 December 2021

by videoconference

Agenda

(Updated 13 December 2021)

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| 1. | Opening of the meeting | |
| 2. | Adoption of the agenda and order of business | CDCJ(2021)OJ2 |
| | Annotated draft agenda | CDCJ(2021)OJ2ANN |
| 3. | Statement of the Chair and Secretariat | Oral information |
| 4. | Tour de table: interventions by newly designated members of the CDCJ | |
| 5. | Review of progress | |
| Justice | | |
| 5.1 | Review of the implementation of the Sofia Action Plan on strengthening judicial independence and impartiality (specific task ii) - examination and approval of final report | Oral information |
| | <i>Background documents</i> | |
| | Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) | |
| | <i>Responses received from member States and members of the Conference of INGOs</i> | CDCJ-BU(2021)10 |
| Family law and children's rights | | |
| 5.2 | Rights and best interests of the child in parental separation and in care proceedings (Committee of Experts - CJ/ENF-ISE) (specific task viii) | |
| | Oral report by the Chair of CJ/ENF-ISE on progress to date and future activities | Oral information |
| | Update on future priorities of the Irish Presidency of the Committee of Ministers (May-November 2022) | |

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| <u>Working document</u> | CJ/ENF-ISE(2021)09 prov |
| CJ/ENF-ISE working methods and workplan proposal (updated) | |
| <u>Background documents</u> | CJ/ENF-ISE (2021)8A |
| <i>Feasibility study on a legal instrument on the protection of the best interests of the child in situations of parental separation</i> | CJ/ENF-ISE (2021)8B |
| <i>Feasibility study of a legal instrument on the protection of the best interests of the child in domestic law proceedings by public authorities to limit parental responsibilities or place a child in care</i> | CDCJ&CDENF/Bu(2021)PV1 |
| <i>Report of the 2nd Joint meeting of the CDCJ and CDENF Bureaus (24 June 2021)</i> | CJ/ENF-ISE(2020)PV2 |
| <i>Reports of the 2nd and 3rd meetings of CJ/ENF-ISE (14 and 18 December 2020, and 14-15 April 2021 respectively)</i> | CJ/ENF-ISE(2021)PV1 |
| <i>CJ/ENF-ISE Terms of Reference for 2020-2021</i> | Terms of Reference 2020-2021 |
| 5.3 Right of donor-conceived persons to know their origins | |
| a. Draft comparative study: presentation of preliminary findings and identified gaps and needs | CDCJ(2021)20 prov (restricted) |
| b. Exchange of views | |
| c. Draft questionnaire | |
| <u>Background documents</u> | CDCJ(2021)23 prov |
| <i>Terms of Reference</i> | |
| <i>Activity methodology and workplan approved by the Bureau</i> | CDCJ(2020)8 final – Appendix IV |
| <i>Committee of Ministers’ reply to Parliamentary Assembly Recommendation 2156 (2019) - Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children</i> | CDCJ(2021)6 |
| | CM/AS(2019)Rec2156-final - para. 7 |
| <i>CDCJ Opinion</i> | CDCJ(2019)2 |
| Public law | |
| 5.4 Statelessness and the right to a nationality: follow-up activities (specific task vii) | |
| <u>Working document</u> | CDCJ(2021)18 prov |
| Bureau’s proposals for follow up activities | |
| <u>Background documents</u> | |
| <i>Report on the outcome of the technical meeting and international conference (23-24 September 2021)</i> | CDCJ(2021)25 prov |
| <i>Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)</i> | Action Plan |
| <i>Analysis of current practices and challenges regarding the avoidance and reduction of statelessness in Europe</i> | CDCJ-GT-APA(2019)3 (updated version) |
| Artificial Intelligence | |
| 5.5 Draft comparative study on Administration and Artificial Intelligence (specific task iii) | Oral information |
| <u>Working documents</u> | |
| Revised activity workplan for 2021-2022 | CDCJ-BU(2021)11 rev |
| <i>Detailed outline of the study and draft questionnaire</i> | CDCJ(2021)19 prov |

Background documents

Activity proposal, task, concept and working methods

[CDCJ\(2020\)8 -Appendix III](#)

High level conference: Human Rights in the Era of AI: Europe as international standard-setter for artificial intelligence (20 January 2021)

[Conference conclusions](#)

Evaluation of recommendations prepared by the CDCJ, including their implementation by the member States (main task iii)

- 5.6 **a. Evaluation of Recommendation CM/Rec(2014)7 on the protection of whistleblowers**
- Presentation of preliminary findings and exchange of views on selected aspects
- Oral information
[Ireland: PowerPoint Presentation](#)
[Lithuania: PowerPoint Presentation](#)
[Serbia: PowerPoint Presentation](#)
- Working document
Detailed outline of the report on the evaluation of the implementation of Recommendation CM/Rec(2014)7 on the protection of whistleblowers and selected issues for discussion
- [CDCJ\(2021\)26 prov](#)
- Background documents
Compilation of replies received from member States to the evaluation questionnaire
[Recommendation CM/Rec\(2014\)7 on the protection of whistleblowers](#)
- [CDCJ\(2021\)16 Mos](#)
- b. Evaluation of Recommendation CM/Rec(2015)4 on preventing and resolving disputes on child relocation**
- Presentation of findings followed by an exchange of views
- Working document
Draft report on the evaluation of the implementation of Recommendation CM/Rec(2015)4 on preventing and resolving disputes on child relocation
- [CDCJ\(2021\)27 prov](#)
- Background documents
Compilation of replies received from member States to the evaluation questionnaire
[Recommendation CM/Rec\(2015\)4 on preventing and resolving disputes on child relocation](#)
- [CDCJ\(2021\)17 Mos](#)
- Examination of conventions under the CDCJ's responsibility (main task xii)**
- 5.7 **a. European Convention on Information on Foreign Law – ETS No. 62 and Additional Protocol - ETS No. 97**
- [CDCJ\(2021\)8 rev1](#)
- Working document
Concept paper on possible activities for promoting and implementing ETS Nos. 62 and 97
- Background document
[European Convention on Information on Foreign Law – ETS No. 62 and Additional Protocol - ETS No. 97](#)
- b. Agreement on the Transfer of Corpses - ETS No. 80: possible revision**
- [CDCJ\(2021\)28](#)
- Working document
Summary paper
- [Memorandum](#)
- [CDCJ-BU\(2020\)7 rev](#)

Background documents

Additional information by the French Authorities (February 2021)

Additional information received from member States for the CDCJ Bureau at its 108th meeting (September 2020) including, in appendices, the request letter and possible procedures to amend Council of Europe treaties

[CDCJ\(2021\)29 prov](#)

[Agreement on the Transfer of Corpses – ETS No. 080](#)

[CDCJ\(2021\)7](#)

[Presentation](#)

c. European Convention on the Legal Status of Children born out of Wedlock - ETS No. 85

Working document

Draft report on the review of the implementation of ETS No. 85

[CDCJ \(2019\)2](#)

Review of the implementation of the European Convention on the Legal Status of Children born out of Wedlock (ETS No. 85)

[CDCJ\(2011\)15](#)

Background documents

Working methods and workplan for the review of the implementation of ETS No. 85

[European Convention on the Legal Status of Children born out of Wedlock – ETS No. 85](#)

CDCJ Opinion

Draft recommendation on the rights and legal status of children and parental responsibilities (not adopted)

6. Transversal issues:

a. Mainstreaming equality between women and men in (preparing) new legislation (main task xi)

Oral information

Working document

Revised checklist for assessment of gender equality aspects and impact (for inclusion in the CDCJ's updated working methods)

[CDCJ-BU\(2021\)15 rev1](#)

Background documents

Draft activity proposals

[CDCJ\(2021\)10](#)

[CDCJ-BU\(2021\)Misc2 Mos](#)

Information provided by member States on possible ideas, examples and best practices

Report by Mr Henrichs (Germany) on the ad hoc meeting (12 November 2019)

[Report](#)

Thematic form on Gender Equality of the Steering Committee for Human Rights (CDDH)

[CDDH\(2020\)13](#)

[Gender Equality Strategy for 2018-2023](#)

b. Contribution to the UNSDGs, in particular Goal 16 - Peace, Justice and Strong institutions (main task xiii / specific task xi)

[Goal 16](#)

7. Working methods of CDCJ

- a. Presentation of Resolution CM/Res(2021)3
- b. Working methods of the European Committee on Legal Co-operation [CDCJ\(2021\)24 prov. rev1](#)

Background documents

[Resolution CM/Res\(2011\)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods and amendments](#)

[Resolution CM/Res\(2021\)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods \(applicable as of 1 January 2022\)](#)

- c. Improving the visibility of the work of CDCJ: update on the implementation of the communication plan for 2020-2021 Oral information

Background documents

[CDCJ communication plan for 2020-2021](#)

[Proposals by the CDCJ Bureau agreed at its 108th meeting](#)

[CDCJ\(2020\)8 - paras 49 to 52 & Appendix V](#)

[CDCJ-BU\(2020\)9 rev](#)

8. Terms of reference of the CDCJ and its subordinate bodies for 2022-2025: exchange of views on the future work programme and implementation of tasks

Working documents

Draft workplan of priority actions and activities of CDCJ for 2022–2025 [CDCJ\(2021\)30 prov](#)

Working methods: proposed draft terms of reference of limited working groups and independent experts [CDCJ\(2021\)21 prov](#)

Background documents

[Terms of reference of the CDCJ \(2022-2025\) and of its subordinate bodies \(2022-2023\)](#) [CDCJ\(2021\)13 rev2](#)

9. Evaluation of completed activities / Annual exchange of views to evaluate its activities and to advise the Committee of Ministers on future priorities in its sector, including possible new activities and those that might be discontinued (main task x)

Working document

Overview of activities and status of implementation [CDCJ\(2021\)9 REV1](#)

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| 10. Co-operation with other international organisations and civil society, and with other relevant Council of Europe bodies and intergovernmental committees | Oral information |
| a. External co-operation: <ul style="list-style-type: none"> - European Union - FRA - The Hague Conference - Council of Bars and Law Societies (CCBE) | Oral information |
| b. Internal co-operation: <ul style="list-style-type: none"> - Work of other Council of Europe bodies and committees: Information on on-going and planned activities, including update on legal co-operation projects in relation to CDCJ activities/areas of competence and activities contributing to the implementation of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) | Oral information |
| 11. Elections and appointments | |
| a. Elections (Chair, Vice-Chair and Bureau members) | CDCJ(2021)INF02 |
| b. Appointments (CDCJ Representatives and Rapporteurs): <ul style="list-style-type: none"> - CDCJ representatives for 2022 - CDCJ Gender Equality Rapporteur for 2022-2023 - CDCJ Rapporteur on Children’s Rights for 2022-2023 - CDCJ Rapporteur on the Rights of Persons with Disabilities for 2022-2023 | CDCJ(2021)31 prov |
| 12. CDCJ opinions (If any) | |
| Draft CDCJ opinion on Parliamentary Assembly Recommendation 2213 (2021) - Addressing issues of criminal and civil liability in the context of climate change | CDCJ(2021)32 prov. rev1 |
| <u>Background documents</u> | |
| <i>PACE Recommendation 2213 (2021) - Addressing issues of criminal and civil liability in the context of climate change</i> | PACE Rec 2213 (2021) |
| 13. Any other business | |
| 14. Date and place of next meeting | |
| <u>Working document</u> | |
| Calendar of meetings | CDCJ(2021)4 Rev2 prov |
| 15. Approval of the abridged meeting report | CDCJ(2021)33 prov |

DRAFT ORDER OF BUSINESS

(provisional and subject to change in light of the work pace)

| | Wednesday 1 December 2021 | Thursday 2 December 2021 | Friday 3 December 2021 |
|---|--|---|---|
| Morning session 09:30 - 12:30 CET | Item 1, 2, 3 Item 4 - Tour de table Item 5.1.- Sofia Action Plan report Item 5.5. - AI and Administrative justice Item 5.4. - Statelessness and the right to a nationality | Item 11- Elections and appointments Item 6 - Transversal issues Items 7- Working methods Item 8 - Exchange of views / work plan Item 5.6.a - Evaluation of CM/Rec(2014)7 (whistleblowers) – exchange of views | Item 12 – CDCJ Opinion Item 10 - Co-operation with other international organisations, civil society, CoE bodies and committees Items 13, 14, 15 |
| Afternoon session 14:00 - 17:00 CET | Item 5.3. - Right of donor conceived people – exchange of views Item 5.7.c – ETS no. 85 Item 5.7.a - Foreign law Convention implementation Item 5.2. - CJ/ENF-ISE | Item 5.6.b.- Report on evaluation of CM/Rec(2015)4 (child relocation) – exchange of views Item 9 - Evaluation of completed activities Item 5.7.b - Agreement on the Transfer of Corpses – ETS No. 80: possible revision | |

GENERAL REFERENCE DOCUMENTS

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| Charter | Charter of Good Videoconferencing Practice |
| Terms of reference | CDCJ Terms of reference 2020-2021 |
| CM/Res(2011)24 and amendments | Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods and amendments adopted by the Committee of Ministers' Deputies at their 1404th meeting (12 and 17 May 2021) |
| CM/Res(2021)3 (applicable as of 1 January 2022) | Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods |
| CDCJ(2017)3 | Working methods of CDCJ - adopted by written procedure on 2 September 2014 and revised by the CDCJ Bureau during its 102nd meeting (29-30 June 2017) |

RECENT MEETING REPORTS AND OPINIONS

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|---------------------------------|---|
| CDCJ(2020)8 | Report of the 95 th meeting of CDCJ (4-5 and 23-24 November 2020) (long version) |
| CM(2021)36 | Abridged report of the 95 th meeting of CDCJ (4-5 and 23-24 November 2020) |
| CDCJ-BU(2020)13 | Report of the Extraordinary meeting of the CDCJ Bureau (11 December 2020) |
| CDCJ-BU(2021)7 | Report of the 109 th meeting of the CDCJ Bureau (23-24 February 2021) |
| CDCJ-BU(2021)14 | Report of the 110 th meeting of the CDCJ Bureau (20-21 April 2021) |
| CDCJ(2021)15 | Report of the 96 th meeting of the CDCJ (17 May 2021) (long version) |
| CM(2021)77 | Abridged report of the 96 th meeting of the CDCJ (17 May 2021) |
| CDCJ-BU(2021)16 | Report of the 111 th meeting of the CDCJ Bureau (14-15 October 2021) |

RECENT CDCJ LEGAL INSTRUMENTS ADOPTED BY THE COMMITTEE OF MINISTERS

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|--------------------------------------|--|
| CM(2021)36-add4final | Guidelines of the Committee of Ministers of the Council of Europe on online dispute resolution mechanisms in civil and administrative court proceedings, adopted on 16 June 2021 |
| CM(2021)36-add5final | Guidelines of the Committee of Ministers of the Council of Europe on online dispute resolution mechanisms in civil and administrative court proceedings, - Explanatory Memorandum, taken note of by the Committee of Ministers on 16 June 2021 |

RECENT CDCJ PUBLICATIONS

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| The efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law (August 2021) |
| Online Dispute Resolution Mechanisms in Civil and Administrative Court Proceedings (October 2021) |