

Strasbourg, 3 October 2022

CDCJ(2022)19

**98th MEETING OF THE EUROPEAN COMMITTEE
ON LEGAL CO-OPERATION
(CDCJ)**

1 - 3 June 2022
Strasbourg, Palais de l'Europe, Room 6

MEETING REPORT

1.-2. Opening of the meeting and adoption of the agenda

1. The European Committee on Legal Co-operation held its 98th plenary meeting in Strasbourg, on 1-3 June 2022, with Mr Christoph Henrichs (Germany) in the Chair.

2. The agenda of the meeting is contained in Appendix I. The abridged report of the meeting and the list of participants¹ is available on the CDCJ's website.

3. Statement of the Chair and the Secretariat

3. The CDCJ took note of the introductory remarks by the Chair as well as those of Mr Daniele Cangemi, Head of the Department for Human Rights, Justice and Legal Co-operation standard-setting activities and Ms Livia Stoica Becht, CDCJ Secretary to the CDCJ concerning the potential impact of the exclusion of the Russian Federation from the Council of Europe and suspension of all relations with Belarus on the work of the Committee, particularly in relation to the work envisaged on the legal instruments under the responsibility of the CDCJ.

4. Tour de table: interventions by newly designated members of the CDCJ

4. The Chair welcomed the new appointed members (i.e., Latvia, Malta and Poland) who introduced themselves.

5. Review of progress

5. The CDCJ reviewed the updated workplan of the CDCJ for 2022-2025 as set out in document CDCJ(2022)15 rev, to be updated regularly in the light of the progress made in implementing the activities by the Secretariat.

6. It also took note of the key CDCJ events planned in 2022-2023 and exchanged views on how to increase the visibility of the CDCJ's work and deliverables in this biennium (see item 8 below).

7. On a general note, welcomed the approach implemented in the framework of the organisation of thematic exchanges held during the meeting, which enabled delegations to consult in advance with experts and institutions with expertise in specialised areas and, hence, to prepare decisions regarding the feasibility of elaborating specific legal instruments, and agreed to its usefulness as a standard methodology for future exchanges.

Justice and the Rule of Law

5.1 Review of the implementation of the Sofia Action Plan on judicial independence and impartiality

8. The CDCJ completed the review of the implementation of the Action Plan to strengthen the independence and impartiality of the judiciary ("Sofia Action Plan"), agreed on the amendments to be made and adopted the comprehensive report as set out in document CDCJ(2022)07. The CDCJ instructed the Secretariat to communicate to the Secretary General, for her information and consideration, the findings of the report and the proposals for follow-up.

¹ At this plenary meeting of CDCJ, the member States were represented by 44 participants: 23 women and 21 men, 52% and 48% respectively.

9. The President concluded from the discussions that the CDCJ would continue to pay close attention to the developments in the member States concerning the independence and impartiality of judges and prosecutors and expressed the readiness of the Committee to consider any other task with this regard that the Secretary General might raise before the Committee.

5.2 Protection of the profession of lawyer – Committee of Experts - CJ-AV (main deliverable 1)

10. The CDCJ took note of the report of the first meeting of its subordinate body, the CJ-AV, which took place on 6-8 April 2022, and of information provided by the Chair of the CJ-AV and Mr Jeremy McBride, the CDCJ consultant.

11. It held an exchange of views concerning the scope of the future legal instrument and its nature, in the light of the proposals made by the CJ-AV. The President recalled, while the final decision on the nature of the legal instrument rested with the CDCJ, the terms of reference of the CJ-AV also included a task to reflect the nature of the future instrument, that allowed the CJ-AV to already express a clear preference for a binding instrument and propose it to the CDCJ. In addition, the nature of the instrument and its drafting was closely interconnected, and it was timely to have a discussion on this point. .

12. The CDCJ agreed to give the opportunity to all member States to express their views on the proposed outline of the future legal instrument (document CDCJ(2022)16) and to submit proposals as to the substance and the nature of the future instrument, in writing by 17 June 2022, and before CJ-AV's second meeting (Strasbourg, 11-13 July 2022), in order to provide the necessary guidance to the CJ-AV for the pursuance of its work.

Family law and children's rights

5.3 Rights and best interests of the child in parental separation and in care proceedings – Committee of Experts - CJ/ENF-ISE) (main deliverable 2)

13. The CDCJ took note of the oral information provided by Mr Seamus Carroll, the Chair of the Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings (CJ/ENF-ISE), on the state of play in the elaboration of the draft recommendation on the best interests of the child and his or her rights in parental separation and care proceedings, and welcomed the progress made.

14. It took note of the reports of the fourth and fifth meetings of the CJ/ENF-ISE (respectively 13-14 December 2021 and 2-4 May 2022), and also that a first consultation with the CDCJ on the first draft text would take place in November 2022, and a second before April 2023 with a view to possible approval of the text by the CDCJ and CDENF at the end of 2023.

15. The CDCJ also took note of the oral information provided by Mr Carroll on his participation in the session on Promoting legal clinics as a means of strengthening children's access to justice held in the framework of the [High-level Launching Conference for the Strategy for the Rights of the Child \(2022-2027\)](#) (Rome, 7-8 April 2022).

16. The Committee welcomed the organisation, of an international conference on "Hear Our Voices - Rights and Determination of the Best interests of the Child in Parental Separation and in Care Proceedings" and of the hearing of relevant stakeholders (Dublin, 3-5 October 2022). The activities would be organised in the framework of the Irish Presidency of the Committee of Ministers, and would be held back-to-back with the 6th plenary meeting

of the CJ/ENF-ISE. The Committee called on interested CDCJ members to contribute to this event and requested the CJ/ENF-ISE Secretariat to provide relevant information in due time.

5.4 Rights of donor-conceived persons to know their origins (*main deliverable 10*)

17. The CDCJ discussed the possibility of elaborating a legal instrument concerning the rights of donor-conceived persons to know their origins, taking into account the key findings and conclusions of the comparative report on the issue, presented by Professor Jean-René Binet, the CDCJ consultant, its author. The CDCJ approved a comparative study on “Access of people conceived by gamete donation to information on their origins”, and authorised the publication of the approved comparative study, with the consent of his author, subject to any editorial changes required as a result of the written comments received and the exchange of views held in this context.

18. The Committee noted that the analysis of the state of play and the conclusions of the study support the elaboration of a legal instrument which would keep the balance between the right of donor-conceived persons and the rights of the other interested parties. It held an exchange of views on feasibility of developing a legal instrument on the issue, with a view to deciding on possible follow-up to this study.

19. The debate demonstrated how the approaches of the member States differ, as well as complexity of this issue which includes several sensitive aspects (such as the disclosure to the child of health or genetic information on the donor, anonymity over time, the cross-border issue, the question of the register for donor-conceived children, but above all the issue of surrogacy with a highly political dimension and which requires a specific answer). The CDCJ agreed that the future instrument had to be drafted with the necessary flexibility, leaving sufficient room for manoeuvre to the member States and making it compatible with the existing legal systems. As far as the nature of the instrument is concerned, the Committee expressed its preference for preparing guidelines, or possibly a recommendation which could be regarded as providing guidance to member States (similar to the recent Recommendation [CM/Rec\(2022\)17](#) - see item 6), based on the case law of the European Court of Human Rights. The Committee agreed that the comparative study provides an excellent basis for future work.

20. The CDCJ concurred on the relevance and added value of elaborating a draft recommendation on the right of donor-conceived persons to know their origins. A proposal to that effect would be prepared in due course for consideration by the Committee of Ministers. Consequently, the CDCJ instructed the Bureau to prepare draft terms of reference for a future group of experts to elaborate a draft recommendation on the rights of donor-conceived persons to know their origins for consideration at its next plenary meeting, and to hold, where appropriate, consultations with Chairs and/or secretariats of other relevant committees who were likely to be involved in the drafting process, to appear in the draft terms of reference so that synergies could be taken into account.

5.5 Report on the state of play of the implementation of the European Convention on the Legal Status of Children born out of Wedlock - ETS No. 85, including proposals for follow-up deliverables (*main deliverable 12*)

21. Following the adoption and publication of the report on the state of play of the implementation of the European Convention on the Legal Status of Children born out of Wedlock – ETS No. 85)², and recommended actions contained therein, the CDCJ examined the relevance of modernising Convention ETS No. 85 and held an exchange on the subject.

² [CDCJ\(2021\)29](#).

22. The CDCJ took note of the progress underway in other fora, presented by the United Kingdom with respect to the parentage/surrogacy project of the Hague Conference on Private International Law (HCCH) and by the International Social Service (ISS) with respect to the principles for the protection of the rights of the child born through surrogacy (Verona Principles); the Czech Republic informed the Committee about the European Union's intentions to prepare a new legislative proposal concerning the recognition of parenthood established abroad.

23. From the subsequent discussions, the CDCJ concluded that there was no support for the elaboration of a revised or new legally binding instrument on this issue, took note that several member States were in favour of a future soft law legal instrument which would provide guidance on selected aspects, and agreed to reconsider this issue at a more appropriate time, in the light of progress made by other international organisations and any relevant legislative developments with regard to the parenthood of couples of same sex and surrogacy.

5.6 Report on the state of play of the implementation of Recommendation CM/Rec(2015)4 on preventing and resolving disputes related to child relocation, including proposals for follow-up deliverables (main deliverable 6)

24. The CDCJ examined the revised draft report on the state of play of the implementation of Recommendation CM/Rec(2015)4 on the prevention and resolution of conflicts concerning children's relocation and adopted it with the amendments agreed during the meeting, as it appears in document CDCJ(2021)27, completing deliverable 6 of its Terms of reference. It authorised its publication, with the consent of her author.

25. The CDCJ recalled its decision to strengthen efforts for the promotion and awareness raising of this recommendation taken at its 97th meeting (1-3 December 2021) and invited the CJ/ENF-ISE to ensure the adequate integration of the issue of child relocation in the context of disputed separation in the draft recommendation under preparation; the CJ/ENF-ISE chair, on behalf of the committee, expressed the readiness to consider developing guidance to the member States on this issue in the framework of the elaboration of the legal instrument on the rights and best interests of the child in the context of parental separation and in care proceedings.

Public Law

5.7 Administrative detention of migrants - Limited working group of CDCJ - CDCJ-MIG: Guide for practitioners (main deliverable 8)

26. After having taken note of the information provided by the Secretariat on the progress made by its working group on administrative detention (CDCJ-MIG) and the outcome of its first meeting (online, 19-20 May 2022), the CDCJ reviewed and agreed on the elements of the draft detailed outline of the future Guide for practitioners on administrative detention of migrants under preparation, as it appears in document CDCJ(2022)02, and stated that it would follow the work with interest, hoping that the deliverable expected by the end of 2022 would be effective and of useful for practitioners.

27. The CDCJ took note of the Group's next meeting to be held in Rome, from 12 to 13 October 2022.

5.8 Statelessness and the right to a nationality: follow-up activities

28. The CDCJ considered the draft report on the International Conference and technical meeting on "Statelessness and the Right to a Nationality" (Strasbourg, 23-24 September 2021), approved it as it appears in document CDCJ(2022)12 and authorised its publication.

29. The CDCJ recalled its previous decision taken at the 97th meeting (1-3 December 2021) to prioritize work on statelessness of children and their access to nationality and invited the CDCJ-MIG and delegations' experts interested to develop further these proposed activities, in preparation of guidance on child sensitive procedures in administrative and migration law matters for stateless children or children at risk of being stateless, as well as guidance on the establishment of nationality, in particular for children.

30. The delegations, or experts at national level with the appropriate specific expertise and knowledge, or any other person who had participated in the statelessness conference who would be ready to contribute to the exercise, are invited to express their interest to the Secretariat which is instructed to launch a call with a view to gathering as many experts as possible to achieve this work.

31. The CDCJ entrusted CDCJ-MIG, with the contribution of other national experts, to develop proposals for follow-up activities to be submitted to the CDCJ for consideration at its next meeting, taking into account the contributions received.

Promote and facilitate the operation of conventions in the CDCJ's area of competence (main task (iii))

5.9 Report on the state of play and assessment of the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its additional protocol (ETS No. 97); proposals for follow-up deliverables, communication and awareness-raising activities (main deliverable 4)

32. The CDCJ took note of the information provided by the Chair on the discussions held within the Bureau after the plenary meeting of December 2021 concerning the CDCJ activities relating to the promotion and assessment of the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and of its Additional Protocol (ETS No. 97) to be carried out by the end of 2023 in line with the CDCJ terms of reference.

33. The CDCJ took note of the additional information and explanations provided by the Secretariat on possible activities for promoting and implementing ETS Nos. 62 and 97 (updated concept paper - document CDCJ(2021)8 rev2) and the merits of the draft evaluation questionnaire prepared by the Secretariat on the use in practice by the member states of the European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97). The Chair pointed out that these treaties of procedural nature are of great importance in terms of legal co-operation which is the very essence of the Committee. Therefore, the exercise to ensure that these instruments are useful and more used in practice would be an excellent contribution by the CDCJ for the benefit of all CDCJ members.

34. Concerning the question about the channels for information exchange, which vary from one country to another (postal mail or e-mail), and given the deadline for replies, it was agreed that it should be more focused on the communication channels or formats through which the information can be transmitted.

35. The CDCJ welcomed the idea of a simple questionnaire targeting the necessary information to assess the relevance and practical use of the two treaties. The Committee decided to consult delegations on the draft questionnaire prepared for the collection of information regarding the operation of the European Convention on Information on Foreign Law (ETS No. 62) and its additional protocol (ETS No. 97) until 17 June 2022.

36. The CDCJ agreed to approve the questionnaire as revised by written procedure and to issue it for completion. Lastly, it approved the revised workplan for this activity.

Technological developments, including artificial intelligence

5.10 Administration and Artificial Intelligence - CDCJ-ADMIN-AI

37. The CDCJ took note of the information provided by the Secretariat on the progress made in this activity: in the recent months, the Secretariat launched a call for expression of interest to participate in the work of the Limited Working Group of CDCJ experts to update the handbook “The Administration and You” (CDCJ-ADMIN-AI). In the absence of candidates, it was not possible to form the working group. The Secretariat proposed to revise the Terms of Reference, also to include a task for providing proposals on the direction the CDCJ should take in respect of the future work on administrative law and AI and elaborating the updated Handbook “The Administration and You”. It was also proposed to modify the composition of the Working Group to include CDCJ designated experts, CDCJ consultants and representatives of research institutes or organisations with expertise on Artificial Intelligence aspects.

38. The CDCJ examined and approved revised terms of reference for a limited working group of CDCJ experts to make proposals for future work of CDCJ in the field of administrative law and Artificial Intelligence and to update the handbook “The Administration and You” (CDCJ-ADMIN-AI – see Appendix II) and a revised workplan for the preparation of a comparative study on the use of Artificial Intelligence and other algorithmic decision-making mechanisms in administrative procedures(document [CDCJ\(2022\)17](#)).

39. The Committee decided to issue a new call of expressions of interest after the plenary and entrusted the Secretariat with this task.

5.11 Review of legal instruments falling under its responsibility in the light of technological developments to assess implementing challenges and proposals for follow-up deliverables (main deliverable 7)

40. The CDCJ examined the concept note and workplan for the review of legal instruments falling under its responsibility (document CDCJ(2022)13 prov) in the light of technological developments. The CDCJ expressed its preference to narrow the scope of the review, to make it more manageable in order to identify 3 or 4 specific legal instruments relevant for an update. It agreed to hold further consultations on the scope of this review, in the light of the numerous legal instruments under its competence.

41. The CDCJ instructed the Secretariat to prepare a targeted questionnaire under the supervision of the Bureau, and to issue it after the plenary, in order to determine the scope of the review, and to invite the CDCJ Heads of Delegations to provide their proposals. It instructed its Bureau to review the scope and areas of law and/or legal instrument(s) to be covered by this review, on the basis of the contributions received and any indications of priority topics/legal instruments from member States. The CDCJ agreed to re-examine this issue at its next meeting.

Follow-up and promotion of the implementation of the non-binding instruments prepared by CDCJ, and if appropriate of others within its area of competence (main task iv)

5.12 Report on the state of play of the implementation Recommendation CM/Rec(2014)7 on the protection of whistleblowers, including proposals for follow-up deliverables (main deliverable 12)

42. In the light of the summary presentation of the report on the evaluation of [Recommendation CM/Rec\(2014\)7](#) on the protection of whistleblowers by Ms Anna Myers, the CDCJ consultant, the CDCJ approved the report, and authorised its publication, with the consent of the author. subject to any editorial changes required as a result of the exchange of views held at the plenary.

43. The CDCJ took note of the recommendations contained in the report to consider further standard-setting work, through an update of the existing recommendation and/or explanatory memorandum. In this context, the Chair recalled the discussions that took place in the Bureau in March 2022 which found it premature to update the recommendation at this stage, as a large number of member States of the Council of Europe were concerned with the transposition into national law of [Directive \(EU\) 2019/1937 on the protection of persons reporting violations of Union law](#). The CDCJ followed the Bureau's proposal, and decided to consider this project at a later stage, in view of currently still ongoing developments in this field in a number of member States.

6. Transversal issues: Mainstreamed perspectives: Gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller issues mainstreaming (main task xiv)

44. In the context of exchanges of views on transversal issues on children's rights and gender equality, the CDCJ took note of the recently adopted [Council of Europe Strategy for the Rights of the Child \(2022-2027\)](#) which includes specific actions to be undertaken by the CDCJ in this area, and welcomed the adoption of [Recommendation CM/Rec\(2022\)17](#) on protecting the rights of migrant, refugee and asylum-seeking women and girls, whose principles and recommended actions should be considered in the elaboration of its Guide for practitioners on administrative detention of migrants.

7. Observers

45. Given the increasing number of applications for observer status, the CDCJ adopted a set of criteria to assess applications by organisations seeking observer status with the CDCJ and/or any of its subordinate bodies and clarified the CDCJ's decision-making process on this matter (document CDCJ(2022)20), proposals prepared by the Bureau, as amended during the meeting and to be published on the Committee's website.

46. The CDCJ instructed the Secretariat to notify applicant organisations that a decision on their request will be taken by the CDCJ at its next meeting on the basis of the assessment criteria, which should be communicated to the applicant organisations for their information.

47. The CDCJ instructed the Secretariat to notify applicant organisations that had made requests for observer status in 2021 and in early 2022 that the CDCJ will take decision on their pending requests at its 99th meeting, on the basis of the adopted assessment criteria.

48. In preparation of the next Plenary, the CDCJ instructed its Bureau where appropriate, to collect the information that it finds necessary to make an informed decision concerning the requests for observer status and advise the Committee accordingly.

8. Visibility of the work and deliverables of the CDCJ

49. The CDCJ held a preliminary exchange of views for the preparation for the CDCJ's 100th Plenary meeting (May 2023) coinciding with the 60th anniversary of the Committee.

50. The CDCJ discussed the best ways to celebrate this anniversary to ensure the utmost visibility of the CDCJ and of its past, today and future achievements. To facilitate the discussion, entrusted the Bureau and the Secretariat to develop concrete proposals and a draft agenda, for its consideration at its 99th plenary meeting.

51. To conclude this discussion, the CDCJ took note of the information provided by the Secretariat on the state of play on possible translation of legal instruments prepared by the CDCJ into non-official languages of the Council of Europe (see document CDCJ(2022)INF03).

9. Legislative developments in member states in the areas of public and private law

52. The CDCJ took note of the information provided by a number of member States on the main recent or envisaged developments in the fields of public and private law in their respective countries, in relation to the work of the CDCJ. The Chair thanked the delegations which have provided the information and encouraged the other delegations to provide their information to the Secretariat after the plenary meeting, to be also included in the updated document (CDCJ(2022)INF07).

53. The CDCJ also discussed the possibility of improving the collection and use of this information, through a more structured collection of this information, targeting specific areas of law; such a collection of information could take place annually/every two meetings. The CDCJ invited the Bureau, in co-operation with the Secretariat, to prepare a template and guidance for a more structured collection of this information and increased use by the Committee. The CDCJ would consider these proposals at its next meeting.

10. Co-operation with other international organisations and civil society and with other relevant Council of Europe bodies and committees

54. The CDCJ took note of the [abridged report of the first plenary meeting](#) (4-6 April 2022) of the Committee on Artificial Intelligence (CAI) and heard an update provided by Mr Kristian Bartholin, the Secretary to the CAI and Head of the "Digital Development" Unit on the work undertaken by the Committee on Artificial Intelligence (CAI) for the elaboration of a binding legal instrument, to be completed by the end of September 2023. The CDCJ explored possible future avenues for consultations, coordination and exchange of views on common areas of interest, including through the participation the CDCJ and the CAI Chairs in the future meetings of each other's committee.

11. Appointments

55. The CDCJ agreed to continue to entrust the Chair and/or Vice-Chair to act as Rapporteur(s) on the Rights of Persons with Disabilities, on a transitional basis, until receiving an expression of interest.

56. With regard to the CDCJ appointed representatives and substitutes to other committee and bodies, the CDCJ accepted the proposal of the members from Switzerland and the Netherlands, respectively CDCJ representative and substitute to the CAI, to

exchange their position by mutual agreement, and asked the Secretariat to inform the CAI Secretariat about this change. It approved the updated list of nominations of representatives and substitutes to other committees and bodies (document CDCJ(2021)31 rev).

57. The President recalled the vacancy of a number of positions. The CDCJ decided to launch a new call for expressions of interest for the vacant position and entrusted the Secretariat with this task.

58. The Secretariat also drew the attention of the CDCJ regarding the newly established [Committee of Experts on Strategic Lawsuits against Public Participation](#) (MSI-SLP), as a subordinate committee of the [Steering Committee on Media and Information Society](#) (CDMSI), and which is tasked to prepare a draft recommendation on Strategic Lawsuits against Public Participation (SLAPP), and the [Committee of Experts on increasing Resilience of Media](#) (MSI-RES) tasked to prepare guidelines on the use of digital tools including artificial intelligence for journalism/by journalists. These two committees will be the subject of the call for expressions of interest.

59. The Chair recalled that the purpose of the CDCJ's participation in meetings or events of other committees and bodies was to follow the work and to point out any possible overlapping with the CDCJ's fields of competence and to identify topics of common interest.

60. One delegate raised an issue of the availability and workload that required such a participation, which was more difficult now that face-to-face meetings have been restored. The Secretariat recalled that the participation of representatives/substitutes was not compulsory in every meeting of the respective committees; the participation was also subject to their availability and the relevance of the items for discussion, that were systematically assessed by the CDCJ Secretariat and the appointed member. The Chair invited the appointed CDCJ representatives to use the recently developed [template](#) for of a report to be used to reporting to the CDCJ about the most important. In case of non-participation, it was recalled that the representatives/substitutes shall consult the meeting reports produced by the relevant committees to keep themselves updated and inform the CDCJ where appropriate.

12. CDCJ Opinions (if any) (main deliverable 15)

61. No comments are required from the CDCJ on texts adopted by the Parliamentary Assembly or the Congress of Local and Regional Authorities.

13. Any other business

62. No issues were raised on this agenda item.

14. Date and place of next meeting

63. The CDCJ agreed to hold its 99th plenary meeting in Strasbourg, from 23-25 November 2022.

15. Approval of the abridged meeting report

64. The CDCJ agreed to adopt the abridged report and full report by written procedure after the meeting.

Appendix I

Agenda

1. Opening of the meeting
2. Adoption of the agenda and order of business
3. Statement of the Chair and Secretariat
4. Tour de table: interventions by newly designated members of the CDCJ
5. Review of progress

Justice and the Rule of Law

- 5.1 Review of the implementation of the Sofia Action Plan on judicial independence and impartiality
- 5.2 Protection of the profession of lawyer – Committee of Experts - CJ-AV (*main deliverable 1*)

Family law and children's rights

- 5.3 Rights and best interests of the child in parental separation and in care proceedings – Committee of Experts - CJ/ENF-ISE) (*main deliverable 2*)
- 5.4 Rights of donor-conceived persons to know their origins (*main deliverable 10*)
- 5.5 Report on the state of play of the implementation of the European Convention on the Legal Status of Children born out of Wedlock - ETS No. 85, including proposals for follow-up deliverables (*main deliverable 12*)
- 5.6 Report on the state of play of the implementation of Recommendation [CM/Rec\(2015\)4](#) on preventing and resolving disputes related to child relocation, including proposals for follow-up deliverables (*main deliverable 6*)

Public Law

- 5.7 Administrative detention of migrants - Limited working group of CDCJ - CDCJ-MIG: Guide for practitioners (*main deliverable 8*)
- 5.8 Statelessness and the right to a nationality: follow-up activities
Promoting and facilitating the functioning of Conventions within the CDCJ's area of competence (main task (iii))
- 5.9 Report on the state of play and assessment of the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its additional protocol (ETS No. 97); proposals for follow-up deliverables, communication and awareness-raising activities (*main deliverable 4*)

Technological developments, including artificial intelligence

- 5.10 Administration and artificial intelligence - CDCJ-ADMIN-AI

- 5.11 **Review of legal instruments falling under its responsibility in the light of technological developments to assess implementing challenges and proposals for follow-up deliverables** (*main deliverable 7*)

Follow-up and promotion of the implementation of the non-binding instruments prepared by CDCJ and, if appropriate, of others within its area of competence
(*main task iv*)

- 5.12 **Report on the state of play of the implementation of Recommendation [CM/Rec\(2014\)7](#) on the protection of whistleblowers, including proposals for follow-up deliverables** (*main deliverable 12*)

6. **Transversal issues: Mainstreamed perspectives: gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller issues** (*main task xiv*)
7. **Observers**
8. **Visibility of the work and deliverables of the CDCJ**
9. **Legislative developments in member States in the areas of public and private law**
10. **Co-operation with other international organisations and civil society and with other relevant Council of Europe bodies and committees**
11. **Appointments**
12. **CDCJ Opinions (if any)** (*main deliverable 15*)
13. **Any other business**
14. **Date and place of the next meeting**
15. **Approval of the abridged meeting report**

Appendix II

Revised terms of reference of a Limited Working Group of CDCJ experts to update the handbook “The Administration and You” (CDCJ-ADMIN-AI)

Role

1. In line with Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods (applicable as of 1 January 2022), and article 14 (b)³ of Appendix I, a limited working group of CDCJ is established to assist the Committee in its mandate related to the updating of the handbook on “The Administration and You” prepared and published by the CDCJ in 2018.

Specific task

2. The CDCJ-ADMIN-AI is tasked with making proposals on the direction the CDCJ should take in respect of the future work on administrative law and AI and elaborating the updated Handbook “The Administration and You”. The update should address the use of artificial intelligence (AI) and other algorithmic systems in administrative law. The basis of this work will be a comparative report, examining aspects of the use of AI in administrative law, the impact and changes artificial intelligence technology has brought to administrative rule of law, relations between individuals and public authorities, as well as how the principles of good administration (equal treatment; transparency; access etc.) are applied in practice in a user-friendly way.

Composition

3. The CDCJ-ADMIN-AI is composed of up to eight experts, interested to contribute to this work, as follows:

- up to three CDCJ experts designated by the heads of delegation,
- two independent consultants,
- three experts from research institutes or organisations with expertise on artificial intelligence aspects.

4. The experts and consultants should have a thorough knowledge of administrative law, and/or of artificial intelligence governance, good understanding of AI, machine learning, or the broader AI ecosystem (i.e. Internet of Things, big data, etc.), and have experience in policy development and decision making nationally or internationally on these issues.

Working methods and expected results

5. The CDCJ-ADMIN-AI will perform its functions and responsibilities online between September 2022 and December 2023, with a possible finalisation of the updated handbook in December 2023.

6. It shall be assisted in its work by the Secretariat of the CDCJ, and within the limits of budgetary appropriations, by up to two independent consultants.

³ “Where necessary, in order to expedite the progress of their work, committees may entrust a rapporteur or a limited number of committee members with a specific task to be fulfilled by their next meeting, using primarily information technologies.”