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**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
(CDCJ)**

99th plenary meeting

23-25 November 2022

Strasbourg, Palais de l'Europe, Room 2 and by videoconference

**STOCK-TAKING: IMPLEMENTATION OF CDCJ ACTIVITIES
IN THE PERIOD 2022 TO 2025**

(as of 15/11/2022)

(Item 11 of the draft agenda)

INTRODUCTION

1. The Committee of Ministers entrusted the European Committee on Legal Co-operation (hereafter CDCJ) to oversee the Council of Europe's work in the field of public and private law and to advise the Committee of Ministers on all questions within its areas of competence, taking due account of relevant transversal perspectives.
2. The table below sets out the state of play as a result of activities undertaken by the CDCJ during the period from 1st of January 2022 to date, in order to make progress and finalise the deliverables set out under its terms of reference. The Secretariat will update this table to take into account any new items of work and deliverables, taking into account any additional instructions received from the Committee and/or requests from the Committee of Ministers.
3. This document can also serve as a monitoring tool for the annual review that the CDCJ is required to undertake, and for decision-making processes regarding any necessary changes or additional proposals to be put forward to the Committee of Ministers regarding its terms of reference and/or the terms of reference of subordinate bodies to the CDCJ.

STATE OF IMPLEMENTATION OF THE CDCJ's DELIVERABLES ACCORDING TO ITS TERMS OF REFERENCE 2022-2025

Deliverable	Due by	State of play (as of 15/11/2022)	Comments
1. Draft legal instrument aiming at strengthening the protection of the profession of lawyer and the right to practice the profession without prejudice or restraint, which sets out a comprehensive set of minimum standards applicable to a lawyer's right to freely exercise their professional activities and ensure protection and independence of the profession, and may include establishing a mechanism entrusted with the implementation of the standards by member States or giving guidance on their application (cf. terms of reference of CJ-AV)	31/12/2023	Work is on track. The CJ-AV held to date 3 meetings (April, July and November 2022). At its last meeting, the CJ-AV discussed the preliminary proposed provisions of a draft convention.	It remains to be seen whether the CJ-AV will be able to complete fully the negotiations by 31/12/2023. The CDCJ, at its 99 th Plenary meeting, should review progress and consider if it is necessary to request to the Committee of Ministers an extension of the Terms of reference of CJ-AV beyond 2023. Subject to a decision to be taken in November, this may require a revision of the terms of reference.
2. Draft Recommendation(s) on the rights and the best interests of the child in parental separation and in care proceedings, and implementation tool(s) (jointly with CDENF, on the basis of work conducted in 2020-	31/12/2023	Work is on track. The CJ/ENF-ISE's draft recommendation is subject to consultations and work has been initiated to reflect on	The CDCJ is expected to adopt jointly with the CDENF the draft recommendation(s) by December 2023, and the practical implementation tools early 2024. Subject to

2021) (cf. terms of reference CJ/ENF-ISE)		the tools to be elaborated to support its implementation.	a decision to be taken in November, this may require a revision of the terms of reference to extend the terms of reference and a decision on the final deliverables.
3. Review of the Agreement on the transfer of corpses and subject to conclusions, draft revised Agreement	31/12/2023	Completed. The CDCJ concluded, following consultations held and additional information received, that it does not consider necessary, at this stage, to revise the Agreement on the Transfer of Corpses (ETS No. 80).	See CDCJ(2021)33.
4. Report on the state of play and assessment of the implementation of the European Convention on Information on Foreign Law (CETS 62) and its additional protocol (CETS 097) and where appropriate, proposals for follow-up deliverables, communication and awareness-raising activities	31/12/2023	Work is on track. A questionnaire was approved and circulated for completion to Parties and non Parties.	The report is expected to be adopted by the CDCJ at its 100 th plenary meeting in 2023. Any follow up proposals should be integrated as deliverables in the terms of reference.
5. Practical guide for mainstreaming gender in public and private law reform processes	31/12/2023	Work is on track. CDCJ collected good practices through a questionnaire and the practical guide is being elaborated.	The report is expected to be examined by the CDCJ at its 100 th plenary meeting (May 2023) and subsequently adopted.
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	31/12/2023	Completed. The CDCJ adopted the report in July 2022. The report is public.	Follow up is given through 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.

7. Review of legal instruments falling under its responsibility in the light of technological developments to assess implementing challenges and proposals for follow-up deliverables	31/12/2023	Work is on track.	The CDCJ is invited to decide, at its 99 th plenary meeting in 2022, how to address this activity - see CDCJ(2022)32 and the Bureau's proposal in this respect.
8. Guide for practitioners on administrative detention of migrants to support implementation of existing standards in this field (follow-up to previous work in this area) and subject to the decision of the Committee of Ministers, if considered appropriate in the light of relevant legal developments in this area, draft Recommendation codifying standards on administrative detention	31/12/2025	Work is on track. The CDCJ-MIG was established, held 2 meetings to date.	Depending on the pace of progress, the CDCJ could complete this deliverable in the first half of 2023.
9. One or more draft non-binding instruments (i.e. recommendation, policy guidelines) as a contribution to the Council of Europe Strategy for the Rights of the Child, in particular in the area of child-friendly justice (in co-operation with CDENF and/or other committees as appropriate)	31/12/2025	Work has not yet started.	Proposals to be elaborated for consideration by the CDCJ in 2023, and implemented in 2024-2025.
10. Draft Recommendation on rights of donor-conceived persons to know their origins subject to the conclusions of the on-going comparative study (in co-operation with other committees as appropriate)	31/12/2025	Work is on track. The CDCJ adopted a comparative study on "Access of people conceived by gamete donation to information on their origins".	The CDCJ agreed, at its 98 th Plenary meeting, to develop draft terms of reference for a subordinate body tasked with the elaboration of this draft text. Proposed ToR are expected to be submitted to the CDCJ for consideration at its 99 th Plenary meeting in 2022, and following approval, to be submitted to the Committee of Ministers. The timeline for completion of this work should be

			discussed by the CDCJ, taking into consideration the timeline for completion of other deliverables.
11. Awareness-raising activities as follow-up actions to Recommendation CM/Rec(2009)11 on principles concerning continuing powers of attorney and advance directives for incapacity	31/12/2025	Work has not yet started. Concrete proposals for activities were adopted by the CDCJ.	Implementing period planned: 2024-2025, (subject to any changes that the CDCJ may consider necessary or if other deliverables are prioritised).
12. Report on the state of play of the implementation of selected conventions and/or recommendations falling under its responsibility, including proposals for follow-up deliverables	31/12/2025	Work is on track. 1. Report on the implementation of CM/Rec(2014)7 on the protection of whistleblowers (June 2022) 2. Report on the review of the implementation of the European Convention on the Legal Status of Children born out of Wedlock (ETS No. 085) (2021)	The CDCJ's working methods foresee such reviews on a regular basis. If considered necessary, and subject to the availability of resources, any other topics for examination in the period 2024-2025 should be discussed by the CDCJ at one of its future plenaries.
13. Guidance on child-sensitive procedures in administrative and migration law matters, as a contribution to the Council of Europe Action Plan on Protection Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025)	31/12/2025	Work has not yet started. Concrete proposals for activities were adopted by the CDCJ in relation to stateless children.	Implementing period planned: 2024-2025.
14. Report on good practices in respect of legal aid and representation, access to information and to justice for vulnerable people in the context of administrative and migration law matters, as a contribution to the Council of Europe Action Plan on Protection Vulnerable Persons in the Context of	31/12/2025	Work has not yet started. Concrete proposals for activities were adopted by the CDCJ in respect to stateless children.	Implementing period planned: 2024-2025 (subject to any changes that the CDCJ may consider necessary or if other deliverables are prioritised).

Migration and Asylum in Europe (2021-2025)			
15. Opinions on legal issues within its area of competence for the attention of the Committee of Ministers or of the Secretary General (upon their request)	31/12 of each year	Work is on track. Opinions were provided by the CDCJ on - Recommendation 2213 (2021) - Addressing issues of criminal and civil liability in the context of climate change; and - Recommendation 2191 (2020) - Investment migration.	Cf. Reply adopted by the Committee of Ministers on 5 October 2022 CM/AS(2022)Rec2213-final Cf. Reply adopted by the Committee of Ministers on 15 June 2022 - CM/AS(2022)Rec2191-final

OTHER CDCJ's PLANNED DELIVERABLES

Deliverable	Due by	State of play (as of 15/11/2022)	Comments
1. Draft comparative study on administrative law and the use of AI and other algorithmic systems in administrative decision-making in the member states of the Council of Europe	31/12/2022	Work is on track	
2. Handbook – Administration and you (revised)	December 2023 (tentative)	Work planned to be started after the adoption of the comparative study in December 2022.	See CDCJ(2022)32 and the Bureau's proposal in this respect.

3. Study on national climate litigation cases (upon Committee of Ministers request)	No timeline decided yet	On 5 October 2022, the Committee of Ministers invited the CDCJ to propose a calendar for undertaking a study on national climate litigation cases mentioned in paragraph 3.4 of the PACE recommendation.	Calendar to be determined. This would require a modification of the terms of reference to include an additional deliverable. The Bureau will consider this topic at its first meeting in 2023 and will prepare a proposal for consideration by the CDCJ at its 100 th plenary meeting.
4. Follow up activities planned on nationality and statelessness	No deadline	Proposals remain to be prepared by CDCJ -MIG for consideration by the CDCJ.	Calendar to be determined. This would require a modification of the terms of reference to include an additional deliverable, and consideration of the interactions between these activities and deliverables 13 and 14.