
Resolution CM/Res(2022)3 on legal and financial consequences of the cessation of membership of the Russian Federation in the Council of Europe

*(Adopted by the Committee of Ministers on 23 March 2022
at the 1429bis meeting of the Ministers' Deputies)*

The Committee of Ministers,

Reiterating its decisions on the situation in Ukraine of 24 February 2022 (CM/Del/Dec(2022)1426bis/2.3) and again urging the Russian Federation to immediately and unconditionally cease its aggression against Ukraine;

Recalling its decision of 25 February 2022 (CM/Del/Dec(2022)1426ter/2.3) by which, following an exchange of views with the Parliamentary Assembly in the Joint Committee, it agreed to suspend the Russian Federation from its rights of representation in the Council of Europe in accordance with Article 8 of the Statute of the Council of Europe;

Recalling also its Resolution CM/Res(2022)1 on legal and financial consequences of the suspension of the Russian Federation from its rights of representation in the Council of Europe adopted on 2 March 2022 (CM/Del/Dec(2022)1427/2.5) and notified to the Russian Federation the same day by the Secretary General;

Having decided on 10 March 2022 that it remained determined to act in close co-ordination with the Parliamentary Assembly in the context of further measures to be taken in response to the serious violations by the Russian Federation of its statutory obligations as a member State of the Council of Europe and that it agreed to consult the Parliamentary Assembly on potential further use of Article 8 of the Statute (CM/Del/Dec(2022)1428bis/2.3);

Taking into consideration the Parliamentary Assembly's Opinion No. 300 unanimously adopted on 15 March 2022, in which it considered that the Russian Federation can no longer be a member State of the Organisation;

Noting, which was also stated by the Parliamentary Assembly in its Opinion, that the Council of Europe will take initiatives to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation;

Taking into consideration the Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights adopted on 22 March 2022;

Having regard to Article 27 of its Rules of Procedure under which a suspended member shall receive a notification from the Secretary General setting out the legal and financial consequences of a subsequent decision that it shall cease to be a member;

Having regard to the legal and financial consequences of the cessation of membership in the Council of Europe under Article 8 of its Statute set out in document CM(2022)70;

Having regard to Resolution CM/Res(2022)2 adopted on 16 March 2022 (CM/Del/Dec(2022)1428ter/2.3) in which it decided, in the context of the procedure launched under Article 8 of the Statute of the Council of Europe, that the Russian Federation ceased to be a member of the Council of Europe as from 16 March 2022;

Decides that this decision entails the following legal and financial consequences:

1. The Russian Federation is no longer able to lay claim to any right nor be regarded as bound by any obligation deriving from the Statute of the Council of Europe or connected with membership thereof, subject, however, to the obligations which it has assumed under that Statute in respect of any fact prior to cessation of membership in the Organisation;
2. The Russian Federation no longer has any rights of representation in the Committee of Ministers and in the Parliamentary Assembly nor in any subsidiary organs or bodies thereof;
3. The Russian Federation no longer has the right to be represented in the Congress of Local and Regional Authorities nor in any subsidiary bodies thereof;
4. Any participation by the Russian Federation in activities and programmes organised by or conferences convened by the Council of Europe is henceforth governed by the provisions in force or practices applicable to participation by non-member States. In light of the fact that the projects implemented by the Council of Europe Programme Office in Moscow have been discontinued, the conditions for maintaining the Office are no longer met;
5. The Russian Federation ceases to be a member of the following partial agreements:
 - International Co-operation Group on Drugs and Addictions (Pompidou Group)
 - Co-operation Group for the Prevention of, Protection Against, and Organisation of Relief in Major Natural and Technological Disasters (EUR-OPA)
 - European Support Fund for the Co-Production and Distribution of Creative Cinematographic and Audiovisual Works "Eurimages"
 - Enlarged Partial Agreement on Sport (EPAS)
 - Enlarged Partial Agreement on Cultural Routes
 - Enlarged Partial Agreement on the Observatory on History Teaching in Europe
 - European Audiovisual Observatory

It also ceases to be a member of the following enlarged agreement:

- European Commission for Democracy through Law (Venice Commission);
6. The Russian Federation ceases to be a member of the enlarged agreement on the Group of States against Corruption (GRECO), except when GRECO exercises its functions under the Criminal Law Convention on Corruption (ETS No. 173) with respect to the Russian Federation. The Russian Federation may continue to participate in the plenary meetings of GRECO only when the latter examines evaluation and compliance reports on the Russian Federation as foreseen in Article 8 (1) i. of the GRECO Statute with a view to providing and receiving information concerning such reports, without the right to participate in the discussion or the adoption of reports under Article 15 of the GRECO Statute, and without the right to vote;
 7. The Russian Federation shall cease to be a High Contracting Party to the European Convention on Human Rights on 16 September 2022. In line with the Resolution of 22 March 2022 of the European Court of Human Rights, the Court remains competent to deal with applications directed against the Russian Federation in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred until 16 September 2022. The Committee of Ministers will continue to supervise the execution of the judgments and friendly settlements concerned and the Russian Federation is required to implement them. The Russian Federation is to continue to participate in the meetings of the Committee of Ministers when the latter supervises the execution of judgments with a view to providing and receiving information concerning the judgments where it is the respondent or applicant State, without the right to participate in the adoption of decisions by the Committee nor to vote;

8. Without prejudice to either the preceding paragraph or the obligations placed on the High Contracting Parties to the European Convention on Human Rights by the General Agreement on the Privileges and Immunities of the Council of Europe and by the 6th Protocol thereto, the Russian Federation ceased on 16 March 2022, to be a Contracting Party to those conventions and protocols concluded in the framework of the Council of Europe that are only open to member States of the Organisation. The Russian Federation will, however, continue to be a Contracting Party to those conventions and protocols concluded in the framework of the Council of Europe, to which it has expressed its consent to be bound, and which are open to accession by non-member States. The modalities of the Russian Federation's participation in these instruments will be determined separately for each of them by the Committee of Ministers or, when appropriate, by the State Parties;
9. The Russian Federation will not be able to deposit instruments of ratification or acceptance of conventions or protocols signed before it ceased to be a member State, its signature to such conventions and protocols will be considered to be suspended;
10. The Russian Federation is bound to fulfil its full financial obligations arising out of its membership of the Council of Europe and of partial agreements, up to the date it ceased to be a member of the Organisation, including its contributions for 2022 determined on a *pro rata temporis* basis. It also remains liable for all arrears accrued at the date of termination of its membership. The Secretary General is invited to inform the Russian Federation of the amount of its financial contributions for 2022, including for convention mechanisms as appropriate.