



Strasbourg, 29 November 2022

COP(2022)01-rev1

CONSULTATION OF THE PARTIES TO THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM

RULES OF PROCEDURE

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CONSULTATION OF THE PARTIES
TO
THE COUNCIL OF EUROPE CONVENTION ON THE PREVENTION OF TERRORISM
(CETS No. 196)
AND
ITS ADDITIONAL PROTOCOL
(CETS No. 217)

RULES OF PROCEDURE

The Consultation of the Parties,

Having regard to the Council of Europe Convention on the Prevention of Terrorism, in particular Article 30 thereof, and its Additional Protocol;

Having regard to the “Rules of Procedure” adopted by the Consultation of the Parties on 12 May 2009 and the “Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)” adopted on 2 January 2012 and amended on 12 November 2014;

Bearing in mind the decision of 15 November 2016 by the aforesaid Group of Parties to formally abolish the Group of Parties and henceforth convene in the format of the Consultation of the Parties, cf. Article 30 of the Council of Europe Convention on the Prevention of Terrorism;

Considering the need to clarify and update the working procedures applied by the Consultation of Parties in the fulfilment of its mission as set forth in Article 30 aforementioned, especially in the light of the accomplishment of the tasks of the Group of Parties;

Adopts the following Rules of Procedure:

CHAPTER I

Rules of Procedure

Rule 1 – Functions of the Consultation of the Parties

1) The functions of the Consultation of the Parties, as set out in Article 30 of the Council of Europe Convention on the Prevention of Terrorism (hereinafter “the Convention”), are the following:

- making proposals to facilitate or improve the effective use and implementation of the Convention, including the identification of any problems and the effects of any declaration made under the Convention;
- formulating its opinion on the conformity of a refusal to extradite which is referred to the Consultation of the Parties in accordance with Article 20, paragraph 8, of the Convention;
- making proposals for the amendment of the Convention in accordance with Article 27 thereof;
- formulating its opinion on any proposal for the amendment of the Convention which is referred to it in accordance with Article 27, paragraph 3, thereof;
- expressing an opinion on any question concerning the application of the Convention and facilitating the exchange of information on significant legal, policy or technological developments.

2) In order to facilitate the execution of these functions, the Consultation of the Parties shall, on a voluntary basis, assess periodically the implementation of the Convention and its Additional Protocol by the Parties, cf. Chapter II below.

3) The Consultation of the Parties may, when necessary and within the limits of budgetary appropriations, avail itself of the services of external experts for the purpose of executing its functions, including for assessment purposes.

Rule 2 – Composition of the Consultation of the Parties

1) Parties to the Convention and, where applicable, its Additional Protocol shall be Members of the Consultation of the Parties and shall nominate their respective representative(s).

2) Signatories to the Convention and its Additional Protocol, other member States of the Council of Europe and Observers to the Council of Europe shall be Participants to the Consultation of the Parties and shall nominate their respective representative(s).

3) The Chair of the steering committee designated by the Committee of Ministers of the Council of Europe as responsible for counter-terrorism issues shall participate as an Observer to the Consultation of the Parties.

4) The Consultation of the Parties may invite, on a permanent or *ad hoc* basis, other States or intergovernmental organisations to its meetings as Observers to the Consultation of the Parties.

5) The names and functions of the representatives of the Members, Participants and Observers shall be communicated to the Secretary General of the Council of Europe in advance of meetings of the Consultation of the Parties.

Rule 2a Restriction of participation of a Party

1) In an effort to ensure the proper functioning of the Consultation of the Parties and the conduct of its meetings, the Consultation of the Parties may decide to restrict the participation in its work of a Party that has ceased to be a member of the Council of Europe following the procedure launched under Article 8 of the Statute of the Council of Europe for a serious violation of Article 3 of the Statute. Similarly, measures restricting the participation of a Party can be taken in respect of any non-member state of the Council of Europe concerned by a Committee of Ministers decision restricting or suspending relations with it.

2) Such restriction may include, but is not limited to:

a) restriction of physical attendance at meetings (no attendance) or limitation only to on-line attendance. In case of no attendance, the Member concerned will have access to all materials of the meeting/s and will be able to provide comments in writing;

b) restriction of ability to run for positions in the Consultation of the Parties and its eventual sub-groups;

c) limitation of participation to providing information and explanation regarding compliance with the obligations under the Convention and the Additional Protocol conducted under Article 30, paragraph 1(a), and taking part in the discussions concerning the findings of the assessments on the implementation of the Convention and the Additional Protocol, but without the right to participate in the decision making and without the right to vote;

d) with respect to the other functions of the Consultation of the Parties as listed in Article 30, paragraph 1 of the Convention, limitation on the right to participate in the discussions regarding the conformity of a refusal to extradite which is referred to the Consultation of the Parties in accordance with Article 20, paragraph 8 of the Convention.

3) The Chair, the Vice-Chair or a Member of the Consultation of the Parties can submit a reasoned proposal for such a decision to be taken. It will be deemed that the proposal has been accepted if it receives two thirds of the votes cast and the decision taken shall have immediate effect. No Participants shall be present during the Committee's examination of the matter.

4) Once the reasons for the imposition of the restriction or limitation cease to exist, a Member concerned can propose to the Consultation of the Parties that the restriction or limitation to participation is lifted. It will be deemed that the proposal has been accepted if it receives two thirds of the votes cast and the decision taken shall have immediate effect.

5) Restriction or limitation of participation in the Consultation of the Parties in no way prejudices the rights and obligations that stem from the Convention and its Additional Protocol for the Parties.

Rule 3 – Meetings of the Consultation of the Parties

1) The Consultation of the Parties shall meet periodically, as laid down in Article 30, paragraph 1, of the Convention. It shall be convened in accordance with Article 30, paragraph 2, of the Convention.

2) The letter of convocation shall be accompanied by a draft agenda, cf. Rule 10.

3) Meetings shall not be held in public, unless the Consultation of the Parties decides otherwise.

4) For the purposes of assessment of the implementation of the Convention and its Additional Protocol, only Parties to that legal instrument, the implementation of which is being assessed, can participate in the meeting.

Rule 4 – Chairperson and Vice-Chairperson of the Consultation of the Parties

1) The Consultation of the Parties shall elect a Chairperson and a Vice-Chairperson from among its Members.

2) The Chairperson shall conduct proceedings, sum up conclusions, put issues to the vote and announce decisions. The Chairperson may call a speaker to order, who departs from the subject under discussion or from the functions of the Consultation of the Parties as set out in Rule 1 above. The Chairperson shall retain her/his right to speak and to vote in her/his capacity as a Member of the Consultation of the Parties.

3) The Vice-Chairperson shall replace the Chairperson, if the latter is absent or otherwise unable to chair the meeting. If both the Chairperson and the Vice-Chairperson are absent, the Chairperson shall be replaced by a Member appointed by the Consultation of the Parties.

4) The terms of office of the Chairperson and the Vice-Chairperson shall be of two years, renewable once.

5) The Chairperson and the Vice-Chairperson shall be elected by a simple majority of the Members with a right to vote. The elections are held by secret ballot, unless the Consultation of the Parties decides otherwise by unanimity.

6) The Consultation of the Parties shall strive to achieve gender balance as well as geographical balance when electing its Chairperson and Vice-Chairperson.

Rule 5 – Secretariat to the Consultation of the Parties

The Secretariat to the Consultation of the Parties shall be provided by the Secretary General of the Council of Europe.

Rule 6 – Languages

The languages used by the Consultation of the Parties shall be the official languages of the Council of Europe.

Rule 7 – Quorum

There shall be a quorum if a majority of the Members of the Consultation of the Parties are present.

Rule 8 – Voting

- 1) Each Member of the Consultation of the Parties shall have one vote.
- 2) The Participants and the Observers shall not have the right to vote.
- 3) The adoption of the Rules of Procedure, as well as any subsequent proposal for amendments to the Rules of Procedure, and of agendas for meetings of the Consultation of the Parties shall be decided by a simple majority of votes cast.
- 4) Other decisions shall be adopted by two-thirds majority of votes cast.

Rule 9 – Agenda

The agenda for a meeting of the Consultation of the Parties shall be adopted at the beginning of that meeting on the basis of a draft prepared by the Secretariat, cf. Rule 3, paragraph 2.

Rule 10 – Documents and List of Decisions

- 1) The Secretariat shall be responsible for the preparation and distribution of documents for the Consultation of the Parties.
- 2) At the end of each meeting, the Consultation of the Parties shall adopt a List of Decisions. The Secretariat shall inform the Committee of Ministers of the Council of Europe and the steering committee designated by the Committee of Ministers of the Council of Europe as responsible for counter-terrorism issues on the decisions taken by the Consultation of the Parties.

Rule 11 – Confidentiality of documents

- 1) Documents submitted by Members of the Consultation of the Parties in the course of assessment activities, drafts of assessment reports, as well as the final assessment reports adopted by the Consultation of the Parties, shall be classified “confidential” on request of a member, participant, observer or the Secretariat.

2) All other documents issued by the Consultation of the Parties, including the final summaries of the assessment reports, shall be public.

3) A Member, a Participant, an Observer, or the Secretariat may request that a document, other than those referred to in paragraph 1 above, submitted by it to the Consultation of the Parties be classified “restricted”, “confidential” or “secret”. If no such request is made, the document in question shall be public.

Rule 12 – Amendments to the Rules of Procedures

The Rules of Procedure may be amended through a proposal by a Member or the Secretariat. Such proposals for amendments shall be decided in accordance with Rule 8, paragraph 3.

Rule 13 – Relationship with previously adopted Rules of Procedures

The present Rules of Procedures replaces the “Rules of Procedure” adopted by the Consultation of the Parties on 12 May 2009 and the “Rules of Procedure of the Group of Parties to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)” adopted on 2 January 2012 and amended on 12 November 2014.

CHAPTER II

Self-Assessment

Rule 14 – Function of self-assessment

In accordance with Rule 1, paragraph 2, the Consultation of the Parties shall periodically assess the implementation of the Convention and its Additional Protocol through “self-assessment”.

Rule 15 – Procedures for the self- assessment

1) The “self-assessment” shall be conducted in a procedure divided by rounds. Each assessment round shall concern the implementation of one or more provisions of the Convention and/or its Additional Protocol.

2) For each assessment round, the Consultation of the Parties shall decide on the specific provision(s) of the Convention and/or its Additional Protocol to be assessed.

3) A questionnaire for each assessment round shall be adopted by the Consultation of the Parties on the basis of a draft prepared by the Secretariat.

4) The adopted questionnaire shall be addressed to the relevant Parties through their representatives in the Consultation of the Parties.

5) The replies to questionnaires should be sent to the Secretariat by the date agreed by the Consultation of the Parties. Replies should be full and detailed and written in one of the official languages of the Council of Europe. The replies should contain all relevant reference texts, translated into one of the official languages of the Council of Europe where necessary. If appropriate, replies should also include relevant statistics.

6) On the basis of the replies received from Parties, the Secretariat shall prepare a draft assessment report. It shall contain an analysis of the replies and conclusions drawn from this analysis, as well as appropriate recommendations.

7) The draft assessment report shall be made available to the relevant Parties at least four weeks in advance of the meeting at which it is to be discussed. Any comments or requests for amendments received prior to the meeting shall also be made available to the relevant Parties.

8) The Consultation of the Parties, meeting in accordance with Rule 3, paragraph 4, shall examine the draft assessment report, taking into account any comments or requests for amendments received prior to or made during the meeting in question.

9) The Consultation of the Parties shall adopt the assessment report and instruct the Secretariat to submit a public summary of the assessment report, without explicit references to Parties, to the steering committee designated by the Committee of Ministers of the Council of Europe as responsible for counter-terrorism issues, for information.