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## **Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods**

*(Adopted by the Committee of Ministers on 12 May 2021  
at the 140<sup>th</sup> meeting of the Ministers' Deputies)*

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The Committee of Ministers,

Having regard to Resolution CM/Res(2011)24 on committees and subordinate bodies, their terms of reference and working methods;

Having regard to the decisions taken by the Ministers' Deputies at their 1386<sup>th</sup> meeting (21 October 2020, item 11.5) and at their 1395<sup>th</sup> meeting (10 February 2021);

Having regard to Resolution CM/Res(2011)7 on Council of Europe conferences of specialised ministers;

Having regard to the Statutory Resolution CM/Res(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto;

Having regard to Resolution CM/Res(2016)3 on the participatory status for international non-governmental organisations with the Council of Europe;

Having regard to Statutory Resolution Res(93)26 on Observer Status;

Having regard to Resolution Res(2001)6 on access to Council of Europe documents;

Having regard to Recommendation Rec(81)6 of the Committee of Ministers to member States on the participation of women and men in an equitable proportion in committees and other bodies of the Council of Europe and to the Committee of Ministers' Declaration on "Making gender equality a reality", adopted at the 119<sup>th</sup> Session of the Committee of Ministers of the Council of Europe (Madrid, 12 May 2009);

Having regard to Resolution Res(2004)25 on service contracts of consultants;

Seeking to complement the rich exchanges allowed by physical meetings, especially plenary meetings, with the flexibility allowed by online meetings.

In pursuance of Articles 16 and 17 of the Council of Europe Statute,

Resolves as follows:

## I. Scope of this resolution

1. This resolution shall apply to all intergovernmental committees and subordinate bodies set up by the Committee of Ministers, by virtue of Article 17 of the Council of Europe Statute.
2. If not provided otherwise, the rules set out in this resolution shall also apply *mutatis mutandis* to any committee created by the Committee of Ministers outside the scope of Article 17.
3. All references to the Secretary General in this resolution shall be subject to the relevant provisions of the Statute of the Council of Europe, the Staff Regulations and the rules on delegation of authority.

## II. Categories of committees<sup>1</sup>

4. There shall be two categories of committees set up by the Committee of Ministers:
  - a. *committees directly answerable to the Committee of Ministers*: steering committees with planning and steering functions and ad hoc committees with a more focused task; and
  - b. *subordinate bodies* of steering or ad hoc committees, with specific and limited tasks.

## III. Composition

### A. Members

5. *Committees answerable to the Committee of Ministers*: they are composed of one representative of the highest possible rank in the relevant field designated by the government of each member State.<sup>2</sup>

6. *Subordinate bodies* answerable to steering or ad hoc committees: they are composed of representatives of all or of a limited number of member States of the highest possible rank in the relevant field designated by the governments of member States and/or of independent experts with established expertise in the relevant field. When deciding on the composition of subordinate bodies composed of a limited number of member States and/or independent experts, due regard shall be given by the parent committee to geographical representation and, where relevant, different legal systems, and periodic rotation of member States. Furthermore, they are open to the participation of representatives, including from Permanent Representations, from other member States, at their own expense.

### B. Participants

7. Participants shall take part in the meetings of committees with no right to vote nor defrayal of expenses unless otherwise indicated. They are:
  - a. representatives of committees or other bodies of the Council of Europe engaged in related work, as well as the Parliamentary Assembly, the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner for Human Rights and the Conference of INGOs of the Council of Europe;
  - b. representatives designated by States which have observer status with the Council of Europe, the European Union, intergovernmental organisations and any other entity, including social partners, authorised to participate in the meetings of steering and ad hoc committees by virtue of a resolution or decision of the Committee of Ministers.

### C. Observers

8. Observers from States or organisations other than those referred to in paragraph 7.b above. They shall be admitted to steering committees, ad hoc committees and any subordinate body answerable to them in the following manner:

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<sup>1</sup> Unless specified otherwise, the term "committee" refers to steering and ad hoc committees and their subordinate bodies.

<sup>2</sup> Where necessary, a member State is entitled to designate more than one representative.

- a. as a general rule, upon their request to the Secretary General, observers are admitted, to steering and ad hoc committees or any subordinate body answerable to them, on the basis of a unanimous decision by that steering or ad hoc committee; in the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the committee concerned. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it;
  - b. concerning special cases, such as the admission of non-member States without observer status to the Council of Europe, and any other case which may necessitate a political decision, the Secretary General shall refer the matter to the Committee of Ministers. This decision shall be taken by a two-thirds majority of all the representatives entitled to sit on it;
  - c. by the same majority, the Committee of Ministers may also decide on the admission of observers when adopting the terms of reference of the committee concerned.
9. Observers shall have no right to vote nor defrayal of expenses.

#### **IV. Terms of reference**

10. By "terms of reference" shall be understood all directives relating to the activities of a committee subject to the present resolution.
11. All committees and subordinate bodies shall have terms of reference.
12. Terms of reference of committees answerable to the Committee of Ministers shall be presented by the Secretary General and approved by the Committee of Ministers.
13. Terms of reference of subordinate bodies shall be presented by the Secretary General upon proposal by the parent committee, and approved by the Committee of Ministers.
14. All terms of reference shall be no longer than the corresponding Programme and Budget cycle of the Organisation. Terms of reference may be adjusted as necessary in the light of the mid-term review.
15. Terms of reference shall include:
- a. name of committee;
  - b. category: steering committee, ad hoc committee or subordinate body;
  - c. reference to the relevant programme line/s of the Council of Europe Programme and Budget, including concrete and measurable expected results for which the committee is responsible;
  - d. where appropriate, its planning and advisory function;
  - e. where appropriate, terms of reference derived from a convention;
  - f. tasks and completion date;
  - g. specific qualifications of members;
  - h. composition of the committee: members, participants and observers and information concerning repayment of members' travelling and subsistence expenses by the Council of Europe, as set out in Appendix 2 to this resolution; and
  - i. working methods, including hearings and, if necessary and justified, proposals for consultants.
16. Terms of reference shall be accompanied by full information on their financial implications, detailing in particular, per committee, the operational budget and number of staff allocated.

## **V. Planning, monitoring and evaluation function of committees**

17. Steering and ad hoc committees advise the Committee of Ministers and the Secretary General on the priorities and other matters with regard to their sectors, in particular on the relevance of activities in line with the priorities and criteria adopted by the Committee of Ministers.

18. The Secretariat shall inform members of committees and subordinate bodies of:

- a. the institutional and regulatory framework of the Organisation, as set out in the Statute of the Council of Europe and other relevant texts including the present resolution;
- b. programme line(s) under their responsibility and budgetary appropriations in the Programme and Budget of the Organisation;
- c. results of monitoring mechanisms and procedures that may have an impact on their work while respecting applicable confidentiality rules;
- d. the progress review report of the Programme and Budget so that they can examine and discuss it and report back on their respective parts;
- e. relevant co-operation activities and activities in the field; and
- f. relevant activities of other international organisations with a view to avoiding duplication and achieving synergies.

## **VI. Working methods**

19. The functioning and operation of committees and subordinate bodies shall be governed by the Rules of Procedure set out in Appendix 1 to this resolution. Committees' work shall include relevant transversal perspectives in all areas of their work.

## **VII. Documents and meeting reports**

20. The Secretary General shall be responsible for preparing and distributing documents to be discussed by the committees, as well as drafting the reports of their meetings, unless otherwise expressly provided for by the Committee of Ministers.

21. Committees shall prepare reports of their meetings. These reports shall include an evaluation of completed activities and a presentation of ongoing and planned work, together with the identification of its source and deadlines, as well as proposals for future activities and identification of activities that might be discontinued. These reports shall be made available, in both official languages, no later than one month after the last meeting day of the committee. Committees shall also adopt abridged meeting reports before the end of their meetings. Documents shall, where appropriate, contain an executive summary, action to be taken and resource implications.

## **VIII. Compendium of terms of reference**

22. The Secretariat shall compile and keep up to date a "Compendium of terms of reference" containing:

- a. the present resolution and any subsequent amendments to it;
- b. Resolution Res(2004)25 on service contracts of consultants;
- c. the terms of reference of all intergovernmental committees and subordinate bodies;
- d. the terms of reference derived from conventions, or special statutes given to intergovernmental committees set up under them; and
- e. any other decision or message of the Committee of Ministers or the Secretary General relating to terms of reference;
- f. the information foreseen in paragraph 16.

## **IX. Convening of meetings**

23. All meetings of committees and subordinate bodies shall be convened by the authority of the Secretary General by a single procedure in accordance with the authorisation given by the Committee of Ministers and with the general practices of good management. The Secretary General shall ensure that meetings are planned, convened and serviced as efficiently and economically as possible.

24. Convocations and preliminary draft agendas of meetings shall be circulated at least six weeks before the proposed date, except in cases of urgency, which shall be duly explained. Convocations shall specify the name of the committee, the place, date, opening time of the meeting, its duration, the subjects to be dealt with and the list of participants at the previous meeting. When appropriate, it shall contain an invitation to nominate a member, taking into account the relevant texts on participation of women and men in an equitable proportion in committees and other bodies of the Council of Europe and indicating the qualifications he or she should preferably possess.

25. For committees answerable to the Committee of Ministers, convocations shall be sent to nominees specified by the Permanent Representations with the Permanent Representations in copy. Nominations made by governments through Permanent Representations will remain valid until any change is notified or confirmed by them.

26. For subordinate bodies, convocations shall be sent as appropriate to nominees specified by Permanent Representations or by the parent committee or, in the absence of such a known nominee, to the Permanent Representations or to the Chair of the committee concerned respectively. Permanent Representations shall receive copies of convocations sent to designated members. Nominations made by governments through Permanent Representations will remain valid until any change is notified.

27. The Secretariat shall send the draft agenda, a provisional list of working documents and the documents themselves to the nominees, or in the absence of such a nomination, to the Permanent Representation concerned, at least 20 days before the meeting date. This documentation shall be made available to the Permanent Representations. Use should be made of information technology whenever possible.

28. The same arrangements shall apply *mutatis mutandis* to participants and observers.

## **X. Co-ordination**

29. The Secretary General shall ensure that committees and subordinate bodies are informed about activities which may have implications for the execution of their respective terms of reference.

30. In order to ensure co-ordination between the Ministers' Deputies and committees answerable to the Committee of Ministers:

a. the Chairs of committees may be invited, whenever necessary, to take part in meetings of the Deputies' relevant Rapporteur Groups, Working Parties and Thematic Co-ordinators to discuss the evaluation of activities, present ongoing work and prospects for future activities, in line with the priorities of the Organisation;

b. the Chairs of the Deputies' relevant Rapporteur Groups, Working Parties and Thematic Co-ordinators may attend meetings of committees when it is deemed that this is of importance to the respective sector activity.

31. The Secretary General shall promptly inform committees of general guidelines issued by the Ministers' Deputies as regards the content, modalities of implementation and evaluation of the intergovernmental work.

## **XI. Review of the intergovernmental structure**

32. A progress review on the intergovernmental structure will be carried out on a regular basis bearing in mind the reports referred to in paragraph 20 and the progress review report on the implementation of the Programme and Budget provided for by the Financial Regulations.

## **XII. Entry into force of this resolution**

33. This resolution shall enter into force on 1 January 2022 and shall repeal and replace Resolution CM/Res(2011)24.

### *Appendix 1 to Resolution CM/Res(2021)3*

## **Rules of Procedure for Council of Europe intergovernmental committees**

### *Article 1 – Agenda*

- a. The Secretary General, in close consultation with the Chair, shall draw up the draft agenda which should be concrete, operational and result-oriented.
- b. The agenda shall be adopted by the committee at the beginning of its meeting.

### *Article 2 – Documentation*

- a. Documents requiring a decision, whether originating from the Secretariat or from a member, shall be sent, in the official languages (cf. Article 6 below), to members at least three weeks before the start of the meeting at which the decision is to be taken. In exceptional cases, however, the committee may, if no member objects, consider a document submitted later.
- b. Maximum use should be made of information technology, including between meetings. This includes for the purpose of gathering together amendments, comments and proposals, finalising texts and taking decisions, and publishing decisions provided in the latter cases that all the members of the committee have been properly informed in good time. When taking decisions by written procedure or electronic means, every effort should be made to reach a consensus.
- c. In accordance with the principle of transparency established by Resolution Res(2001)6 on access to Council of Europe documents, the documentation of committees, including notably meeting reports and adopted texts, shall be published unless a committee decides, for a specified reason, that it is necessary to classify a certain document or category of documents. Documents shall be published once any classification expires. Documents of committees and subordinate bodies shall be made available to Permanent Representations and all participants and observers of meetings on an equal basis with committee members.

### *Article 3 – Privacy of meetings*

Meetings shall not be held in public. The Secretariat shall ensure a secured conduct of meetings, including in respect to electronic voting, in accordance with all applicable rules.

### *Article 4 – Hearings*

Committees and subordinate bodies may organise hearings with international organisations, NGOs, research and academic institutions, experts, specialists, specialist organisations and professional organisations, in a position to contribute to their work, within the limits of available budgetary appropriations.

### *Article 5 – Quorum*

There shall be a quorum if two-thirds of the members of the committee are present.

### *Article 6 – Official languages*

- a. The official languages of the committee shall be those of the Council of Europe.
- b. In exceptional circumstances, the Secretary General may decide, in particular, in the case of steering and ad hoc committees, to provide for interpretation into one additional language other than the official languages, within the limits of available budgetary appropriations.
- c. A committee member may speak in a language other than the official languages, in which case he or she must herself/himself provide for interpretation into one of the official languages.

d. Any document drafted in a language other than the official languages shall be translated into one of the official languages, the member from whom it originates being responsible for making the necessary arrangements.

#### *Article 7 – Proposals*

a. Any proposal must be submitted in writing in one official language if a committee member so requests. In that case, it shall not be discussed until it has been circulated.

b. Proposals made by participants and observers may be put to the vote if sponsored by a committee member.

#### *Article 8 – Order of voting on proposals or amendments*

a. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt, the Chair shall decide.

b. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the committee shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next furthest removed from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chair shall decide.

c. Parts of a proposal or amendment may be put to the vote separately.

d. In the case of proposals with financial implications, the most costly shall be put to the vote first.

#### *Article 9 – Order of procedural motions*

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

a. suspension of the sitting;

b. adjournment of discussion on the item in hand; and

c. postponement of a decision on the substance of a proposal until a specified date.

#### *Article 10 – Reconsideration of a question*

When a decision has been taken it is only re-examined if a member of the committee so requests, and if this request receives a two-thirds majority of the votes cast.

#### *Article 11 – Voting*

a. Each member of the committee shall have one vote; however, where a government designates more than one member, only one of them is entitled to take part in the voting, and independent experts shall not have the right to vote.

b. Subject to any contrary provisions in these Rules, voting requires the quorum. The decisions of the steering committees are taken by a two-thirds majority of the votes cast.

c. Except on procedural matters, other committees shall not take decisions by voting. They shall state their conclusions in the form of unanimous recommendations, or, if this proves impossible, they shall make a majority recommendation and indicate the dissenting opinions.

d. Procedural matters shall be settled by a majority of the votes cast.

e. Where the question arises as to whether or not a matter is procedural in nature, it may not be regarded as such unless the committee decides to that effect by a majority of two-thirds of the votes cast.

f. In the case of a vote by written procedure, the Secretariat shall transmit to members, on the Chair's instruction, the draft decision to be voted upon together with a voting form indicating the deadline by which members must ensure that their vote reaches the Secretariat of the committee. In the case of a vote by secret ballot, the Secretariat shall ensure the secrecy of the vote.

g. For the purposes of these Rules, "votes cast" shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.

#### *Article 12 – Chair*

a. Every committee shall elect a Chair and Vice-Chair. However, the Chair of a subordinate body may be appointed by the steering or ad hoc committee to which it is answerable.

b. The Chair shall conduct proceedings and sum up the conclusions whenever he or she thinks necessary. He or she may call to order a speaker who departs from the subject under discussion or from the committee's terms of reference. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the committee, except in cases where an additional expert from the same country has been appointed to sit on that committee.

c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside the meeting. If the Vice-Chair is absent, the Chair shall be replaced by another member of the Bureau, appointed by the latter or, where there is no Bureau, by a member of the committee appointed by the committee.

d. Election of the Chair and Vice-Chair shall require a two-thirds majority of members entitled to vote at the first ballot, a simple majority of members entitled to vote at the second ballot and the highest number of votes at the third ballot. In steering committees, the election shall be held by secret ballot, in other committees by a show of hands, unless a member of the committee requests a secret ballot.

e. The term of office of the Chair and Vice-Chair shall be one year. It may be renewed once.

#### *Article 13 – Bureau*

a. Every steering and ad hoc committee may appoint a bureau consisting of the Chair, the Vice-Chair and a limited number of other members of the committee. The number of other members shall be specified in the committee's terms of reference. Any other committee may, if need be, appoint a bureau composed, normally, of not more than three members in addition to the Chair and Vice-Chair. The functions of the Bureau are:

- to assist the Chair in conducting the committee's business;
- to supervise the preparation of meetings at the committee's request;
- to ensure continuity between meetings as necessary;
- to execute other additional specific tasks delegated by its Committee.

b. The Bureau shall not function as a drafting committee, but may occasionally be given limited drafting tasks. No decision on substantive issues shall be taken by the Bureau on behalf of the committee. In exceptional cases and due to time constraint, the Bureau may have recourse to the tacit approval of all the members of the committee through electronic communication, in order to expedite procedure on decisions requested by the Committee of Ministers.

c. Other members of the Bureau shall be appointed in the same manner as the Chair and Vice-Chair. They shall be appointed immediately after the Chair and Vice-Chair in accordance with an equitable distribution of posts, taking into account in particular geographical distribution, gender balance and, where relevant, legal systems.

d. The term of office of such members shall correspond to the duration of the mandate of the committee and may be renewed once. However, a member may, on expiry of her/his second term, be appointed Chair or Vice-Chair. In order to ensure partial replacement of the Bureau each year, the first term of at least one such member shall be limited to one year.



e. A member elected to replace another whose term of office has not expired shall complete her/his predecessor's term. The same shall apply to the offices of Chair and Vice-Chair.

#### *Article 14 – Working methods*

a. Committees may appoint a rapporteur, a drafting committee or both. The provisions of this resolution shall apply *mutatis mutandis* to the functioning of a drafting committee.

b. 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.

c. In exceptional cases, for specialised tasks that cannot be performed by a member of the committee or the Secretariat, committees may request the Secretary General to have recourse to consultants subject to the provisions of the resolution Res(2004)25<sup>3</sup> and within the limits of budgetary appropriations.

d. Time- and cost-efficiency shall be a guiding principle for committee work. Respecting the principles of this resolution, the committee shall prioritise best possible use of digital technologies including for meetings and written consultations.

e. Agenda items for information only shall be communicated to members in advance by electronic means allowing the committee to focus during its meeting on agenda items for decision.

#### *Article 15 – Secretariat*

a. The Secretary General shall provide the committee with the necessary staff, including the committee secretary, as well as with the administrative and other services it may require.

b. The Secretary General or her/his representative may at any time make an oral or written statement on any subject under discussion.

c. Committees may ask the Secretary General to prepare a report on any question relevant to their work.

#### *Article 16 – Venue of meetings*

a. Committees shall normally be convened at the premises of the Council of Europe in Strasbourg.

b. When it is not possible to convene plenary meetings of steering and ad hoc committees in a single location, they may be held by videoconference. Other meetings may also be held when appropriate with the use of digital technologies.

The proposal to hold a plenary meeting by videoconference shall be made by the Chair, in consultation with the Bureau, where applicable, or by the Secretary General, and approved by the committee, subject to the availability of the necessary budgetary resources.

Remote attendance of members at a meeting shall be treated as presence in person for the purposes of the Rules of Procedure, for all proceedings such as quorum, participation in discussions and voting.

c. Exceptionally, the Secretary General may authorise, if there is no objection from the government of the State on whose territory it is intended to hold the meeting and if suitable technical facilities are available on-the-spot, to convene a committee elsewhere, in particular, in other Council of Europe premises, in accordance with the principles of sound management and within the resources available.

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<sup>3</sup> In order to identify the most suitable consultants, the Secretary General should when appropriate consult members of relevant committees, national authorities including the Permanent Representations, professional associations and academic bodies (Res(2004)25, Article 9).

*Article 17 – Revision*

Any committee directly answerable to the Committee of Ministers may propose to the Committee of Ministers to amend these Rules or, in exceptional circumstances, to waive them in part.

*Appendix 2 to Resolution CM/Res(2021)3***Payment of travelling and subsistence expenses**

The travelling and subsistence expenses of one representative per member State participating in a steering and ad hoc committees shall be borne by the Council of Europe unless otherwise indicated in the respective terms of reference,<sup>4</sup> within the limits of budgetary appropriations.

The travelling and subsistence expenses of either all or only a limited number of members of subordinate bodies, as indicated in their respective terms of reference shall be borne by the Council of Europe, within the limits of budgetary appropriations.

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<sup>4</sup> For example, where the terms of reference provide for reimbursement of the expenses of an additional member for the country whose representative has been elected Chair of the Committee and in special cases set out in the terms of reference.