

# **SANTIAGO DE COMPOSTELA COMMITTEE**

Committee of the Parties to the Council of Europe  
Convention against Trafficking in Human Organs

## **Draft Rules of Procedure**

Adopted by the Committee on 23 February 2023

The Committee of the Parties (hereinafter “the Santiago de Compostela Committee”),

Determined to contribute in a significant manner to the eradication of the trafficking in human organs;

Having regard to Chapter VI of the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216) (hereinafter referred to as “the Convention”),

Considering that the purpose of Convention is to prevent and combat the trafficking in human organs by providing for the criminalisation of certain acts, to protect the rights of victims, and to facilitate cooperation at the national and international levels,

Pursuant to paragraph 3 of article 23 of the Convention,

Adopts the present rules of procedure:

## **Rules of procedure of the Santiago de Compostela Committee**

### **Part I – The Santiago de Compostela Committee**

#### **Rule 1 – Functions**

##### **1.1 Monitoring of the implementation of the Convention**

Pursuant to paragraphs 1 and 3 of Article 25 of the Convention and in accordance with Part II of these rules, the Santiago de Compostela Committee shall monitor the implementation of the Convention by the Parties using a multisectoral and multidisciplinary approach and, where appropriate:

- a. make 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 or reservation made under the Convention;
- b. express an opinion on any question concerning the application of the Convention.
- c. make specific recommendations to Parties concerning the implementation of this Convention.

##### **1.2 Exchange of information, experiences and good practices**

Pursuant to paragraphs 2 and 3 of Article 25 of the Convention and in accordance with Part III of these rules, the Santiago de Compostela Committee shall facilitate the collection, analysis and exchange of information, experiences, and good practices between States to improve their capacity to prevent and combat trafficking in human organs. Where appropriate, the Santiago de Compostela Committee shall:

- a. facilitate the exchange of information on significant legal, policy or technological developments;
- b. express an opinion on any question concerning the application of the Convention;
- c. avail itself of the expertise of other relevant Council of Europe committees and bodies.

##### **1.3 Amendments to the Convention**

1. Pursuant to paragraph 2 of Article 27 of the Convention, any amendment proposed by a Party shall be communicated to the European Committee on Crime Problems (CDPC) and other relevant Council of Europe intergovernmental or scientific committees, which shall submit to the Santiago de Compostela Committee their opinions on that proposed amendment.

2. The Santiago de Compostela Committee shall examine all the opinions received by the CDPC and other relevant Council of Europe intergovernmental or scientific committees on that proposed amendment, adopt an opinion and submit it to the Committee of Ministers.
3. Pursuant to paragraph 3 of Article 27 of the Convention, the Committee of Ministers shall consider the proposed amendment and the opinion submitted by the Santiago de Compostela Committee and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.

## **Rule 2 – Composition**

### **2.1 Members**

1. Pursuant to Article 23 of the Convention, members of the Santiago de Compostela Committee shall be representatives of the Parties to the Convention<sup>1</sup>.
2. Parties to the Convention shall nominate as their representatives experts of the highest possible rank and expertise in the fields relevant to the Convention, considering that the purpose of this Convention is to prevent and combat trafficking in human organs.
3. Each member of the Santiago de Compostela Committee may be accompanied by other national representatives. Where a Party designates more than one representative, only one of them shall have the right to vote. The Party which holds the Chairmanship of the Santiago de Compostela Committee may appoint an additional expert who will be reimbursed for travel and subsistence expenses. Only one representative of the Party holding the Chairmanship shall have the right to vote.
4. The Parties shall promptly notify the secretariat of any change in the nomination of their representative(s).

### **2.2 Restriction of participation of a Party**

1. In an effort to ensure its effective functioning and the conduct of its meeting, the Santiago de Compostela Committee may decide on measures 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 Minister decision restricting or suspending relations with it.
2. Any Member of the Santiago de Compostela Committee can submit a reasoned proposal for such a decision to be taken. No participants or observers shall be present during the Santiago de Compostela Committee's examination of the matter. Voting shall be in accordance with Rule 19 paragraph 1. It will be deemed that the proposal has been accepted if it receives simple majority of the votes cast and the decision taken shall have immediate effect. Once the reasons for the imposition of the restriction or limitation cease to exist, a Member concerned can propose to the Santiago de Compostela Committee that the restriction or limitation to participation be lifted. It will

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<sup>1</sup> Pursuant to Art. 28 of the Convention, the member States of the Council of Europe, the European Union, the non-member States which have participated in the elaboration of the convention or enjoy observer status with the Council of Europe may become Parties to the Convention. Pursuant to the same Article any other non-member State of the Council of Europe upon invitation by the Committee of Ministers may become Party to the convention. According to Article 2.g of the Vienna Convention on the Law of Treaties (1969), a State party should be understood as a "State which has consented to be bound by the treaty and for which the treaty is in force".

be deemed that the proposal has been accepted if it receives simple majority of the votes cast and the decision taken shall have immediate effect.

3. The restriction or limitation of the participation in the Santiago de Compostela Committee in no way prejudices the rights and obligations that stem from the Convention for the Parties and the financial contribution to the budget of the Santiago de Compostela Committee

### **2.3 Participants**

1. The following shall each appoint representatives to participate in the meetings of the Santiago de Compostela Committee with no right to vote:
  - a. the Parliamentary Assembly of the Council of Europe;
  - b. the European Committee on Crime Problems (CDPC);
  - c. the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO);
  - d. the European Committee on Organ Transplantation (CD-P-TO);
  - e. any other relevant Council of Europe intergovernmental, scientific committees and bodies;

Where applicable, the defrayal of expenses of these participants shall be governed by the rules or terms of reference of the institutions and bodies listed above.

2. The following may appoint representatives to participate in the meetings of the Santiago de Compostela Committee with no right to vote:
  - a. the Congress of Local and Regional Authorities of the Council of Europe;
  - b. the Conference of INGOs of the Council of Europe;
  - c. any other Council of Europe body invited to do so by the Committee of Ministers after consulting them.

Where applicable, the defrayal of expenses of these participants shall be governed by the rules or terms of reference of the institutions and bodies listed above.

3. The following may appoint representatives to participate in the meetings of the Santiago de Compostela Committee with no right to vote nor defrayal of expenses:
  - a. member States of the Council of Europe that are not yet Parties to the Convention;
  - b. States which have observer status with the Council of Europe;
  - c. States invited to accede to the Convention;
4. Entities with expertise in any field relevant to the Convention may be admitted as observers following the procedure set out in Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

### **2.4 Observers**

1. The following may appoint representatives to participate in the meetings of the Santiago de Compostela Committee with no right to vote nor defrayal of expenses:
  - a. the European Union and its agencies, including EUROPOL and EUROJUST;
  - b. the United Nations and its specialised agencies, including the World Health Organisation;
  - c. Interpol;
  - d. the Conference of Ministers of Justice of Ibero-American Countries (COMJIB);
  - d. the International Organisation of the Francophonie;
  - e. the Ibero-American General Secretariat;

- a. other intergovernmental organisations and any other entity authorised to participate in meetings of steering and ad hoc committees by virtue of a resolution or decision of the Committee of Ministers.
2. Pursuant to paragraphs 4 and 5 of Article 24 of the Convention, representatives of relevant official bodies of the Parties and representatives of civil society, in particular of non-governmental organisations (NGOs), may be admitted as observers to the Santiago de Compostela Committee following the procedure set out in Resolution CM/Res(2021)3<sup>2</sup>. A balanced representation of the different sectors and disciplines shall be ensured.
3. The Santiago de Compostela Committee may also authorise, on an ad hoc basis, the participation as observers of representatives of additional bodies, in particular:
  - a. private sector organisations involved in information and communication technologies;
  - b. financial institutions;
  - c. other relevant civil society actors
4. In accordance with Resolution CM/Res(2021)3, observers shall have no right to vote nor defrayal of expenses.

### **Rule 3 – Chairperson and Vice-Chairperson**

1. The Santiago de Compostela Committee shall elect a chairperson and a vice-chairperson from among its members.
2. The terms of office of the chairperson and vice-chairperson shall be of two years, renewable once.
3. 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 Santiago de Compostela Committee decides otherwise by unanimity.
4. The chairperson shall conduct proceedings and sum up conclusions whenever s/he thinks necessary. S/he may call to order a speaker who departs from the subject under discussion or from the Santiago de Compostela Committee's functions set out in Rule 1 above. The chairperson shall retain the right to speak and to vote in her/his capacity as a member of the Santiago de Compostela Committee, except in cases where an additional expert from the same Party has been appointed to sit on the Santiago de Compostela Committee. The Chair shall perform all other functions conferred upon her/him by these Rules of Procedure or by the Santiago de Compostela Committee.
5. The chairperson, or the vice-chairperson when carrying out the duty of the chairperson, shall be replaced in the chair during the discussion and adoption of a report concerning their country, or in any other situation where they are in a situation of possible conflict of interests. A situation of possible conflict of interest shall be raised at any time by members.
6. The vice-chairperson shall replace the chairperson if the latter is absent, in a situation of possible conflict of interest or otherwise unable to preside over the meeting. If the vice-chairperson is absent, the chairperson shall be replaced by another member of the Bureau, appointed by the latter, or where there is no bureau, by a member of the Santiago de Compostela Committee appointed by the latter.

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<sup>2</sup> See Point III.C.8.a of Resolution CM/Res(2021)3: "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."

7. Should the relevant terms of office of the chair and vice-chair fall vacant before their completion, the Santiago de Compostela Committee shall decide to hold an election for the vacant post at the beginning of its next meeting. Any person so elected shall complete the term of office of his or her predecessor. This shall not count as a term of office should the person be subsequently elected Chairperson or Vice-Chairperson.
8. The Santiago de Compostela Committee shall strive to achieve gender balance, geographical balance as well as ensure a representation of public authorities in the fields relevant to the Convention while electing its chairperson and vice-chairperson.
9. The Santiago de Compostela Committee may terminate the office of its chairperson or its vice-chairperson at the request of one third of the full members of the Committee on the ground that (s)he no longer enjoys the confidence of the Committee, be it that (s)he no longer fulfils the conditions required for the exercise of that office or is guilty of serious misconduct by seriously or repeatedly violating the fundamental values and principles upheld by the Council of Europe. The motion for dismissal shall be sent to the members of the Santiago de Compostela Committee at least one week before the date of the meeting for which its signatories have requested it be placed on the agenda. After the motion for dismissal has been released and until the final decision on the motion is taken, the chairperson or vice-chairperson ceases to chair the meetings of the Santiago de Compostela Committee.

#### **Rule 4 – Bureau**

1. The Santiago de Compostela Committee shall appoint a Bureau consisting of the chairperson, the vice-chairperson and up to three other members of the Santiago de Compostela Committee.
2. The main functions of the Bureau are:
  - a. to assist the chairperson in conducting the Santiago de Compostela Committee's activities;
  - b. to supervise the preparation of meetings at the Santiago de Compostela Committee's request;
  - c. prepare the draft work plan of the Santiago de Compostela Committee and propose priorities for future work for consideration by the plenary;
  - d. review the agenda of plenary meetings and propose the way the Santiago de Compostela Committee's functions should be accomplished;
  - e. to ensure continuity between meetings as necessary;
  - f. select/propose experts to carry out specific activities;
  - g. appoint members to participate in activities of other Council of Europe bodies;
  - h. report back to the Santiago de Compostela Committee on its activities between the plenary meetings;
  - i. promote common positions of the Parties in relevant international fora;
  - j. to decide to mandate an on-site visit in a Party or Parties concerned to clarify the situation;
  - k. to execute other additional specific tasks delegated by the Santiago de Compostela Committee.
3. Except where otherwise decided by the Bureau, it shall meet in closed session.
4. The other members of the Bureau shall be elected in the same manner as the chairperson and vice-chairperson, taking into account geographical distribution, gender balance and relevant fields of the Convention. Their terms of office shall be of two years and may be renewed once.
5. Should any of the above offices fall vacant before the completion of the relevant terms of office, the Santiago de Compostela Committee shall decide to hold an election for the vacant post at the beginning of its next meeting. Any person so elected shall complete the term of office of his or her predecessor.

6. The Council of Europe shall only cover the travel and subsistence expenses of the Chairperson, vice-Chairperson and any other Bureau member for attending the Bureau meetings.
7. The members of the Bureau shall be particularly involved in the core activities of the Santiago de Compostela Committee, namely by co-ordinating the work on standard-setting, monitoring and international cooperation.

#### **Rule 5 – Secretariat**

The Secretary General of the Council of Europe shall provide the Santiago de Compostela Committee with the necessary staff, including an executive secretary, as well as with the administrative and other services it may require.

#### **Rule 6 – Languages**

1. The official languages of the Santiago de Compostela Committee shall be those of the Council of Europe, namely English and French.
2. Any document written or address in a language other than the official languages shall be translated into one of the official languages; the member, participant or observer submitting it being responsible for making the necessary arrangements and covering the costs.
3. The Bureau may decide by unanimity to hold a particular meeting in only one of the two languages.

#### **Rule 7. Values and duties**

1. Fundamental values and principles upheld by the Council of Europe such as gender equality, non-discrimination, prohibition of sexual and other forms of harassment and prohibition of ill-treatment of human beings should be adhered to at all times when involved in activities of the Committee.
2. Pursuant to the Council of Europe's anti-corruption policy (Rule No. 1327 of 10 January 2011 on awareness and prevention of fraud and corruption), members of the Secretariat and delegates have a duty to report any reasonable suspicion of fraud or corruption. Every reporting person has the right to effective protection against retaliatory action.
3. The Council of Europe's anti-harassment policy (Rule No. 1292 of 3 September 2010 on the protection of human dignity at the Council of Europe), applicable to all persons participating in the Organisation's activities, prohibits any form of sexual and psychological harassment in the workplace and/or in connection with work at the Council of Europe as conduct infringing the dignity of men and women.

#### **Rule 8 – Venue of meetings**

1. The Santiago de Compostela Committee shall normally be convened at the premises of the Council of Europe in Strasbourg.
2. Exceptionally, the Secretary General may authorise the convening of the Santiago de Compostela Committee elsewhere, in particular in other Council of Europe premises, 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, in accordance with the principles of sound management and within the resources available.
3. Videoconference meetings may be held whenever physical meetings are not advisable, possible or necessary.

### **Rule 9 – Convening of meetings**

1. Pursuant to paragraph 2 of Article 23 of the Convention, the Santiago de Compostela Committee shall meet whenever at least one third of the Parties or the Secretary General *of the Council of Europe* so requests. It shall hold such meetings as are required for the exercise of its functions as set out in Rule 1.
2. The meetings shall be convened by the Secretary General of the Council of Europe in accordance with the single procedure set out in Resolution CM/Res(2021)3. The place, date and opening time of the meeting, its probable duration and the subjects to be dealt with shall be communicated to all members, participants and observers. Convocations shall be circulated six weeks in advance of the meeting, except in cases of urgency which shall be duly explained.
3. Members, participants and observers who are unable to attend a meeting or a part thereof shall notify, in due time, the secretariat who shall inform the chairperson.

### **Rule 10 – Agenda**

1. The secretariat, in close consultation with the chairperson, shall draw up the draft agenda which shall be concrete, operational and result oriented.
2. The agenda shall be adopted by the Santiago de Compostela Committee at the beginning of the meeting.

### **Rule 11 – Documents, list of decisions and meeting reports**

1. The secretariat shall submit the working documents in advance to the Chair for her/his information and possible consideration.
2. The secretariat shall be responsible for distributing all the working documents for the meetings of the Santiago de Compostela Committee.
3. Documents requiring a decision shall be sent, in the official languages, to members at least three weeks before the opening of the meeting at which the decision is to be taken. However, in exceptional cases, if no member objects, the Santiago de Compostela Committee may deliberate on a document submitted at a later stage.
4. Documents shall be made public after the meeting of the Santiago de Compostela Committee for which they were prepared, unless the Santiago de Compostela Committee decides otherwise.
5. At the end of each meeting, the Executive Secretary shall submit to the Santiago de Compostela Committee a draft list of the decisions taken during the meeting for its approval. Unless objections are formulated within three weeks of the date of its circulation, the draft list of decisions shall be considered as adopted. Unless the Santiago de Compostela Committee decides otherwise, the list of decisions shall be made public.
6. Information and communication technologies should be used whenever possible.

### **Rule 12 – Privacy of meetings**

1. Meetings shall not be held in public unless the Santiago de Compostela Committee decides otherwise.



2. The Santiago de Compostela Committee may decide to hold sessions in camera with the participation of the Committee Secretariat. Sessions in camera can be requested at any time by members.

### **Rule 13 – Quorum**

There shall be a quorum if a majority of the members of the Santiago de Compostela Committee are present.

### **Rule 14 – Proposals**

1. Any proposal must be submitted in writing in an official language if a member of the Santiago de Compostela Committee so requests. In that case it shall not be discussed until the proposal has been circulated.
2. Proposals made by participants and observers may be put to a vote if they are submitted at least two weeks before the opening of the meeting at which the proposal is to be discussed.
3. Proposals made by participants and observers during the meeting may be put to a vote if sponsored by one member of the Santiago de Compostela Committee.

### **Rule 15 – Order of voting on proposals or amendments**

1. Where a number of proposals relate to the same subject, they shall be put to a vote in the order in which they were submitted. In case of doubt, the chairperson shall decide.
2. Where a proposal is the subject of an amendment, the amendment shall be put to a vote first. Where two or more amendments to the same proposal are presented, the Santiago de Compostela 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 a vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to a vote. The final vote shall then be taken on the proposal as amended or not. Where there is a doubt as to the order of priority, the chairperson shall decide.
3. Parts of a proposal or amendment may be voted on separately.
4. In the case of proposals with financial implications, the most costly shall be put to a vote first.

### **Rule 16 – Points of order**

During the discussion of any matter, a member of the Santiago de Compostela Committee may at any time raise a point of order which shall immediately be decided upon by the chairperson in accordance with these rules. Any appeal against the decision of the chairperson shall immediately be put to a vote. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

### **Rule 17 – Order of procedural motions**

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

- a. suspension of the sitting;
- b. adjournment of the debate on the topic being discussed;
- c. postponement of a decision on the substance of a proposal until a specified date;

- d. closure of the discussion on the topic.

#### **Rule 18 – Reconsideration of a question**

When a decision has been taken, re-examination may only occur if a member of the Santiago de Compostela Committee so requests, and if this request receives a two-thirds majority of the votes cast.

#### **Rule 19 – Voting**

1. Each member of the Santiago de Compostela Committee shall have one vote. Where the delegation of a Party is composed of more than one representative, only one is entitled to take part in voting. Voting requires a quorum.
2. The Participants and the Observers shall not have the right to vote.
3. The decisions of the Santiago de Compostela Committee are taken by simple majority of the votes cast, subject to any provision in these rules requiring two-thirds majority or unanimity.
4. For the purposes of these rules “votes cast” shall mean the votes of members cast in favour or against. Members abstaining shall be regarded as not having cast a vote.

#### **Rule 20 – Working groups**

1. The Santiago de Compostela Committee may, within the framework of its general functions whenever it is necessary and within the limits of resources available, set up ad hoc working groups to deal with specific matters.
2. The terms of reference of such a working party shall be defined by the Santiago de Compostela Committee.

#### **Rule 21 – Hearings**

The chairperson, the Bureau or the Santiago de Compostela Committee may decide to organise hearings with any qualified persons in a position to contribute to the work of the Santiago de Compostela Committee within the limits of resources available.

#### **Rule 22 – Periodic reports**

The Santiago de Compostela Committee shall periodically inform the European Committee on Crime Problems (CDPC), the European Committee on Organ Transplantation (CD-P-TO), the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) and the Committee of Ministers on the state of its work, at least once a year.

#### **Rule 23 – Financial contribution**

1. A contracting Party which is not a member of the Council of Europe shall contribute to the financing of the Santiago de Compostela Committee according the Resolution CM/Res(2022)6 concerning financial arrangements for the participation of the European Union and non-member States in Council of Europe conventions.
2. Any contracting Party which is not a member of the Council of Europe and which has failed to pay all or a substantial part of its financial contribution to the budget of the Convention for a period of one year, shall no longer take part in the decision-making process.

## **Part II – Monitoring of the implementation of the Convention**

### **Rule 24 – General principles**

1. Noting that the trafficking in human organs violates human dignity and the right to life and constitutes a serious threat to public health and bearing in mind that the purpose of the Convention is to prevent and combat trafficking in human organs through criminal law measures, the protection of the rights of victims and the facilitation of national and international co-operation, while carrying out its functions, the Santiago de Compostela Committee shall use a multisectoral and multidisciplinary approach.
2. The Santiago de Compostela Committee shall also bear in mind the international instruments on the protection of public health referred to in the preamble of the Convention.

### **Rule 25 – Country profile**

1. Following ratification and within six months from the entry into force of the Santiago de Compostela Convention in respect of the Party concerned, every Party to the Convention shall be required to reply to a questionnaire aimed at providing the Santiago de Compostela Committee with a general overview of the legislation practice, institutional framework and policies for the implementation of the Convention at the national, regional and local levels. Thereafter, the Parties should regularly inform the Santiago de Compostela Committee of any substantial changes to the situation described in their replies to the General Overview Questionnaire.
2. States having signed the Convention shall be invited to reply to the questionnaire referred to in paragraph 1 of this rule.
3. The secretariat shall compile the replies received and make them public on the Committee's website.

### **Rule 26 – Thematic monitoring**

1. The monitoring of the implementation of the Convention by the Parties shall be based on a procedure divided into rounds, each round concerning a theme chosen by the Santiago de Compostela Committee or any other approach deemed appropriate by the Santiago de Compostela Committee within the scope of the Convention.
2. The Santiago de Compostela Committee shall determine the length of each monitoring round in light of the themes selected and the provisions of the Convention to be monitored.
3. The monitoring round shall be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Santiago de Compostela Committee.

### **Rule 27 – Questionnaires**

1. The Santiago de Compostela Committee shall adopt the questionnaires referred to in Rule 25, paragraph 1 and in Rule 26, paragraph 3, which shall be prepared by the Bureau with the support of the secretariat.
2. The secretariat shall address such questionnaires to the Parties through the member in the Santiago de Compostela Committee representing the Party to be monitored and who will act as "contact point".
3. Parties shall coordinate with their respective domestic authorities to collect replies, which shall be submitted to the secretariat in one of the official languages of the Council of Europe within the time

limit set by the Santiago de Compostela Committee. The replies shall be detailed, as comprehensive as possible, answer all questions and contain all relevant reference texts. The replies shall be made public, unless a Party makes a reasoned request to the Santiago de Compostela Committee to keep a reply confidential.

4. The Santiago de Compostela Committee may also receive information on the implementation of the Convention from non-governmental organisations and civil society involved in preventing and combating trafficking in human organs, in one of the official languages of the Council of Europe and within the time-limit set by the Santiago de Compostela Committee. The secretariat transmits these comments to the Party(ies) concerned.
5. The secretariat may request additional information if it appears that the replies are not exhaustive or are unclear. Where warranted, with the consent of the Party or Parties concerned and within the limits of budgetary appropriations, the Bureau may decide to mandate an on-site visit in the Party or Parties concerned to clarify the situation. The Bureau shall establish guidance as to the procedure governing the on-site visits pending any official guidelines agreed by the Santiago de Compostela Committee.

#### **Rule 28 – Implementation reports**

1. The Santiago de Compostela Committee shall adopt reports on the implementation of the Convention by the Parties. These shall be based on the information collected through the questionnaires (replies submitted by the Parties and comments thereon), and, if need be, by any other means the Santiago de Compostela Committee deems necessary.
2. The implementation reports shall be prepared by the Secretariat under the authority of the Chairperson with the assistance, if necessary, of independent experts.
3. The Santiago de Compostela Committee shall decide at the early stages of the monitoring round whether it prepares implementation reports by Party or a thematic report for all Parties.
  - a. When the implementation reports are prepared for each Party, each Party shall receive a draft copy of its implementation report before it is sent to the Santiago de Compostela Committee. This allows the Party to comment on the draft and clarify any misunderstandings before the draft report is sent to the Santiago de Compostela Committee for examination and adoption.
  - b. When the implementation reports cover all Parties, each Party has the opportunity to comment on the draft and clarify any misunderstandings throughout the drafting phase of the implementation report.
4. The implementation reports shall contain at least the following elements:
  - a. a general description of the relevant legislation practice, case law or other documentation, including relevant statistics, and a summary of good practices in implementing the Convention;
  - b. an overview of any problems in implementing the Convention and of the effects of any declaration or reservation made under the Convention;
  - c. where appropriate, recommendations as to the steps to be taken to improve the effective implementation of the Convention.
5. The implementation reports shall be transmitted to the CDPC, the CD-P-TO, CDBIO and to the Committee of Ministers of the Council of Europe for information together with any comment from the Party concerned. They shall be made public on the day of their adoption by the Santiago de Compostela Committee. The findings and recommendations as well as any comments received from the Party or Parties concerned, shall be made public.
6. The Santiago de Compostela Committee shall review progress made in the implementation of recommendations within 24 months of the adoption of the report.

### **Rule 29 – Independent experts**

The Santiago de Compostela Committee may ask its executive secretary to commission the services of independent experts, within the limits of budgetary appropriations, to assist it in carrying out its tasks.

### **Rule 30 – Special reports and urgent situations**

1. If the Santiago de Compostela Bureau receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may designate one or more of its members and/or independent experts as referred to in Rule 29 to assess the specific situation. The Bureau shall immediately inform the Santiago de Compostela Committee about the aforesaid designations. Where warranted, and with the consent of the Party or Parties concerned, the assessment may include an on-site visit within its/their jurisdiction(s). This visit takes place in cooperation with the national authorities of the Party or Parties concerned, the member of the Santiago de Compostela Committee nominated by the latter and the relevant Council of Europe bodies.
2. After examining and adopting the findings of the assessment referred to in paragraph 1 of this Rule, the Santiago de Compostela Committee shall transmit these findings and its recommendations to the Party or Parties concerned. The findings and recommendations, together with any comments received from the Party or Parties concerned, shall be transmitted to the CDPC, the CD-P-TO, CDBIO and to the Committee of Ministers of the Council of Europe for information. The findings and recommendations, as well as any comments received from the Party or Parties concerned, shall be made public.

## **Part III – Exchange of information, experiences and good practices**

### **Rule 31 – General principles**

Members, participants, observers and the secretariat shall systematically bring to the Santiago de Compostela Committee's attention any relevant information, experience and good practice falling within the Convention's remit with a view to improve the Parties' capacity to prevent and combat the trafficking in human organs and to enhance international cooperation.

### **Rule 32 – General comments and opinions**

1. Having regard to the conclusions of the implementation reports adopted to fulfil its monitoring functions, or as a result of any discussion during its work, the Santiago de Compostela Committee may decide to:
  - a. issue general comments or opinions on its interpretation of the Convention;
  - b. make and discuss any appropriate proposal for the amendment of the Convention in the light of significant legal, policy or technological developments, in accordance with Article 27 thereof;
  - c. consider adopting an opinion on any question concerning the application of the Convention, pursuant to paragraph 3.b of Article 25 of the Convention.
2. Proposals for amendments to the Convention agreed upon by the Santiago de Compostela Committee as a result of the discussions referred to in paragraph 1.b of this rule, may be communicated to the Secretary General by the Party or Parties that support(s) them with a view to their possible adoption in accordance with the procedure laid down in Article 27 of the Convention.
3. Opinions on the interpretation or the application of the Convention may take the form of Guidance Notes representing the common understanding of the parties as to the use of the Convention.

### **Rule 33 – Expertise**

The Santiago de Compostela Committee may provide expertise within its field of competence to Council of Europe bodies and to other bodies if considered appropriate.

## **Part IV – Amendments to the rules of procedure and entry into force**

### **Rule 34 – Amendments to the rules of procedure**

The rules of procedure may be amended through a proposal by a Party or the secretariat. Such proposals for amendments shall be decided by two-thirds majority of the votes cast.

### **Rule 35 – Entry into force of the rules of procedure**

The present rules, as well as any amendment, shall enter into force upon their adoption.

### **Rule 36 – Rendez-vous clause**

These rules will be reviewed by decision of the Santiago de Compostela Committee but not later than after two rounds of monitoring.