



DH-SYSC-II(2019)R6

24/05/2019

STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

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COMMITTEE OF EXPERTS ON THE SYSTEM  
OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

(DH-SYSC)

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**DRAFTING GROUP ON THE PLACE OF THE EUROPEAN  
CONVENTION ON HUMAN RIGHTS IN THE EUROPEAN AND  
INTERNATIONAL LEGAL ORDER**

**(DH-SYSC-II)**

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**MEETING REPORT**

6<sup>th</sup> meeting

22 – 24 May 2019

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**Item 1:        OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS**

1.        The Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II) held its 6<sup>th</sup> meeting in Strasbourg from 22 to 24 May 2019. The list of participants appears in Appendix I.

2.        The Chair, Ms Florence MERLOZ (France) opened the meeting, evoking the different subjects on the agenda with the aim to advance in the drafting of the future Report of the CDDH on the place of the European Convention on Human Rights in the European and international legal order.

3.        The Group adopted the agenda (see Appendix II) and the order of business (DH-SYSC-II(2019)OT2).

**Item 2:        DISCUSSION ON, AND ADOPTION OF THE REMAINING PARAGRAPHS OF THE REVISED DRAFT CHAPTER OF THEME 1 SUBTHEME ii) – STATE RESPONSIBILITY AND EXTRATERRITORIAL APPLICATION OF THE ECHR**

4.        The Chair presented the revised draft chapter of Theme 1, subtheme ii) on state responsibility and extraterritorial application of the European Convention on Human Rights, as amended in the 5<sup>th</sup> DH-SYSC-II meeting (document DH-SYSC-II(2018)24rev). Furthermore, she recalled that the Group, at its 5<sup>th</sup> meeting, had provisionally adopted<sup>1</sup> paragraphs 1 to 45 included and 57 to 60 included of the revised draft chapter of Theme 1 subtheme ii), and had decided that the remaining paragraphs of this revised draft chapter shall be examined at the present meeting.<sup>2</sup>

5.        The Group then examined a part of the remaining paragraphs of the revised draft chapter paragraph by paragraph and agreed on a number of amendments. It provisionally adopted<sup>3</sup> paragraphs 46 to 50 included, 52 to 56 included and 61 to 92 included of the revised draft chapter of Theme 1 subtheme ii). The Group decided that the remaining paragraphs of this draft chapter (paragraph 51 and paragraphs 93 to 103) shall be examined at its 7<sup>th</sup> meeting in September 2019 with a view to its integration into the future Report and, as a part of that Report, its final adoption by the Group in its last meeting in September 2019.

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<sup>1</sup> Provisional adoption means that the Group has examined the text of the draft chapter paragraph by paragraph and made amendments both on the content and on the form of the text. The text may be updated in case the European Court of Human Rights delivered new important judgments prior to the final adoption of the entire future report in 2019, and in order to harmonise the entire text of the future report and take into account possible orientations given by the CDDH.

<sup>2</sup> DH-SYSC-II(2019)R5, § 8.

<sup>3</sup> See footnote 1 for an explanation of provisional adoption. It was decided that one paragraph, namely § 51, shall be examined further on the occasion of the final adoption of the future report at the 7<sup>th</sup> meeting of the Group in September 2019.

**Item 3: DISCUSSION ON, AND ADOPTION OF THE DRAFT CHAPTER OF THEME 3 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND THE LEGAL ORDER OF THE EU AND OTHER REGIONAL ORGANISATIONS**

6. Ms Kristīne LĪCIS (Latvia), the Rapporteur of Theme 3, presented the draft chapter on the challenge of the interaction between the Convention and the legal order of the EU and other regional organisations, as revised by her in the light of the experts' written comments prior to this meeting (document DH-SYSC-II(2019)38).

7. Following a general discussion, the Group examined the text of the draft chapter paragraph by paragraph and agreed on a number of amendments.

8. The Group provisionally adopted<sup>4</sup> the draft chapter of Theme 3 with a view to its integration into the future report and, as a part of that report, its final adoption by the Group in its last meeting in September 2019.

**Item 4: DISCUSSION ON FORMAL ASPECTS OF THE FUTURE DRAFT REPORT**

9. In preparation for its 7<sup>th</sup> meeting in September, the Group held a discussion on the formal aspects of the future draft Report on the place of the European Convention on Human Rights in the European and international legal order, and agreed on the following aspects:

- Judgments and decisions of courts and other bodies should be cited and referred to in a coherent manner; as regards the European Court of Human Rights, that court's rules of quotation should be used;
- The use of abbreviations as well as the spelling of the same words shall be harmonised<sup>5</sup>;
- Source references and footnotes should be harmonised;
- To the extent possible, headings should be harmonised;
- The Secretariat should do a linguistic check of the future draft Report in English and in French;
- Cross referencing in the future draft Report should be updated and corrected.

10. As regards the compilation of the different chapters into one coherent draft Report, which is to be discussed by the Group at its next, last meeting in September 2019, it was agreed that the Secretariat should draft an introduction, including, *inter alia*, the terms of reference of the Group, the background to the work and the methodology used to elaborate the text. It should further draft an executive summary and a conclusion, based on the text of the draft chapters. Moreover, the specific paragraphs in the different chapters which have not yet been provisionally adopted by the Group are to be further examined with a view to the

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<sup>4</sup> See footnote 1 for an explanation of provisional adoption.

<sup>5</sup> After the finalisation of the future draft Report, an index containing the abbreviations used in the future draft Report could be included.

final adoption of the draft Report. Furthermore, the Rapporteurs are invited to send to the Secretariat any update, in accordance with what has been agreed upon at the moment of provisional adoption,<sup>6</sup> as a result of new judgments or decisions.

**Item 5: ORGANISATION OF FUTURE WORK**

11. Concerning the participation on the Council of Europe's budget at the Group's 7<sup>th</sup> and last meeting (18–20 September 2019), it was recalled that the CDDH, at its 88<sup>th</sup> meeting (December 2017, CDDH(2018)R90, Appendix XVI), agreed that in addition to the costs of the eight members of the Group<sup>7</sup>, the costs of one representative from each of the Member States of the Council of Europe which have previously participated in one or more of the meetings of the Group would also be covered by the budget of the Organisation.

12. In the light of this decision and having been informed by the Secretariat on the availability of the relevant budget for this priority work, the Group noted that each of the following 31 member States may send one representative to its September meeting on the Council of Europe's budget and in accordance with the ordinary Rules of Reimbursement: Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Italy, Latvia, Republic of Moldova, the Netherlands, Norway, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine and the United Kingdom. As usual, any other member State may send one or more representatives at its own expense.

**Item 6: ADOPTION OF THE MEETING REPORT**

13. At the end of its meeting, the Group adopted the present meeting report in the two official languages of the Organisation.

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<sup>6</sup> See footnote 1.

<sup>7</sup> Bulgaria, Croatia, Czech Republic, France, Italy, Latvia, the Netherlands and Norway.

Appendix I**List of participants****MEMBERS / MEMBRES****ARMENIA / ARMÉNIE**

Ms Astghik BALDRYAN, Deputy to the Permanent Representative, Permanent Representation of Armenia to the Council of Europe

Mr Aram HAKOBYAN, Deputy to the Permanent Representative, Permanent Representation of Armenia to the Council of Europe

**AUSTRIA / AUTRICHE**

Ms Stefanie DÖRNHÖFER, LL.M., Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, Constitutional Service

**AZERBAIJAN / AZERBAÏDJAN**

Mr Elshan HASANOV, Deputy Permanent Representative, Permanent Representation of Azerbaijan to the Council of Europe

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Ms Monika MIJIĆ, Agent of the Council of Ministers of Bosnia and Herzegovina before European Court of Human Rights, Head of the Office, Office of the Agent

Ms Vanja BOELICA-PRUTINA, Agent of the Council of Ministers of Bosnia and Herzegovina before European Court of Human Rights

**BULGARIA / BULGARIE**

Ms Svetlana STOYANOVA STAMENOVA, Attaché, Human Rights Directorate, Ministry of Foreign Affairs

**CROATIA / CROATIE (apologised)****CZECH REPUBLIC / REPUBLIQUE TCHÈQUE**

Mr Vladimír JANOUŠEK PYSK, Senior Ministerial Counsellor, Head of the Department, Department for the Proceedings before the UN Treaty Bodies, Office of the Government Agent before the European Court of Human Rights

**FINLAND / FINLANDE**

Ms Satu SISTONEN, Legal Officer, Ministry for Foreign Affairs, Legal Service, Unit for Human Rights Courts and Conventions

**FRANCE**

Ms Florence MERLOZ, Sous-directrice des droits de l'homme, Direction des affaires juridiques, Ministère de l'Europe et des affaires étrangères

**GERMANY / ALLEMAGNE**

Ms Petra VIEBIG-EHLERT, Legal Advisor, Federal Ministry of Justice and Consumer Protection

**GREECE / GRÈCE**

Ms Sofia KASTRANTA, Deputy Legal Counselor, Special Legal Department, Ministry of Foreign Affairs

**ITALY / ITALIE**

Ms Maria Laura AVERSANO, Co-Agent of the Italian Government at the Ministry of Foreign Affairs

**LATVIA / LETTONIE**

Ms Kristīne LĪCIS, Representative of Latvia before European Court of Human Rights, Ministry of Foreign Affairs of the Republic of Latvia

**NETHERLANDS / PAYS-BAS**

Ms Babette KOOPMAN, Agent to the European Court of Human Rights for the Government of the Kingdom of the Netherlands, Ministry of Foreign of the Netherlands

Ms Clarinda COERT, Senior legal adviser human rights law, Legislation Department and Legal Affairs, Ministry of Justice and Security

**NORWAY / NORVÈGE**

Ms Tonje RUUD, Legal Adviser, Ministry of Justice and Public Security, Legislation Department, Ministry of Justice and Public Security

**POLAND / POLOGNE**

Mr Przemysław GUMIELA, Ministry of Foreign Affairs

**REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA**

Mr Victor LĂPUȘNEANU, Deputy Permanent Representative, Permanent Representation of the Republic of Moldova to the Council of Europe

Mr Andrei URUSU, Deputy to the Permanent Representative, Permanent Representation of the Republic of Moldova to the Council of Europe

**ROMANIA / ROUMANIE**

Mr Mihail-Andreas MITOȘERIU, Secrétaire III, Direction de l'Agent Gouvernemental auprès de la Cour Européenne des Droits de l'Homme, Ministère des Affaires Etrangères

Ms Ileana POPESCU, Secrétaire I/Premier Secrétaire, Direction du droit international et du droit de l'Union Européenne, Ministère des Affaires Etrangères

**RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE**

Mr Vladislav ERMAKOV, Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe

Mr Konstantin KOSORUKOV, Head of Division, Legal Department of the Ministry of Foreign Affairs of the Russian Federation

Mr Stanislav KOVPAK, Représentant du Ministère de la Justice de la Fédération de Russie, Représentation de la Fédération de Russie auprès du Conseil de l'Europe

Mr Roman SEDOV, Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe

Ms Olga ZINCHENKO, Attaché in the Ministry of Foreign Affairs of the Russian Federation

**SERBIA / SERBIE (apologised)**

**SPAIN / ESPAGNE**

Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL, Co-Agent before the ECtHR, Senior State Attorney of the Constitutional Law & Human Rights Department, Ministry of Justice

**SWEDEN / SUÈDE**

Ms Katarina FABIAN, Deputy Director, Ministry for Foreign Affairs, Department for International Law, Human Rights and Treaty Law

**TURKEY / TURQUIE**

Mr Volkan MÜFTÜOĞLU, Rapporteur Judge

Ms Günseli GÜVEN, Deputy to the Permanent Representative, Permanent Mission of the Republic of Turkey to the Council of Europe

Mr Ahmet Metin GÖKLER, Justice Counsellor, Permanent Mission of the Republic of Turkey to the Council of Europe

**UKRAINE / UKRAINE**

Mr Ivan LISHCHINA, Deputy Minister of Justice of Ukraine, Agent of Ukraine before the European Court of Human Rights

**UNITED KINGDOM / ROYAUME-UNI**

Mr Chanaka WICKREMASINGHE, Agent of the UK before the European Court of Human Rights, Legal Counsellor, Foreign and Commonwealth Office

**OTHER PARTICIPANTS / AUTRES PARTICIPANTS**

**REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS / GREFFE DE LA COUR EUROPÉENNE DES DROITS DE L'HOMME**

Ms Rachael KONDAK, Adviser to the President and the Registrar, Registry of the European Court of Human Rights

**COUNCIL OF EUROPE DIRECTORATE FOR LEGAL ADVICE AND PUBLIC INTERNATIONAL LAW / DIRECTION DU CONSEIL JURIDIQUE ET DU DROIT INTERNATIONAL PUBLIC DU CONSEIL DE L'EUROPE**

Mr Jörg POLAKIEWICZ, Directeur du Conseil juridique et du Droit international public

Ms Nisha PATEL, Trainee / Stagiaire, Conseil juridique et du Droit international public

**OBSERVERS / OBSERVATEURS**

**HOLY SEE / SAINT SIÈGE**

M. l'Abbé Fabio SALERNO, Observateur Permanent Adjoint du Saint-Siège

Mr Grégor PUPPINCK

**OPEN SOCIETY JUSTICE INITIATIVE**

Mr John DORBER

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**SECRETARIAT**

**DG I – Human Rights and Rule of Law / Droits de l'homme et Etat de droit  
Council of Europe / Conseil de l'Europe, F-67075 Strasbourg Cedex**

Ms Dorothee VON ARNIM, Head of the Unit on the system of the European Convention on Human Rights, Human Rights Intergovernmental Co-operation Division, Secretary of the DH-SYSC-II

Ms Elisa SAARI, Assistant Lawyer, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Ms Susanne ZIMMERMANN, Administrative Assistant / Assistante administrative, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l'homme

Ms Nani GURUNG, Trainee / Stagiaire, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l'homme

**INTERPRETERS/INTERPRETES**

Ms Cynera JAFFREY  
Mr Nicolas GUITTONNEAU  
Ms Isabelle MARCHINI

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Appendix II**Agenda**

	<b>Reference documents concerning all items on the agenda</b>
<a href="#">DH-SYSC(2018)01</a>	Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the DH-SYSC during the 2018–2019 biennium and relevant extracts of the CDDH meeting reports
<a href="#">DH-SYSC-II(2017)002</a>	Context of the work of the DH-SYSC-II on the future Report of the CDDH
<a href="#">DH-SYSC-II(2019)R5</a>	Report of the 5 <sup>th</sup> DH-SYSC-II meeting (5–8 February 2019)
<a href="#">CDDH(2018)R90</a>	Report of the 90 <sup>th</sup> CDDH meeting (27–30 November 2018)
<a href="#">DH-SYSC-II(2018)R4</a>	Report of the 4 <sup>th</sup> DH-SYSC-II meeting (25–28 September 2018)
<a href="#">CDDH(2018)R89</a>	Report of the 89 <sup>th</sup> CDDH meeting (19–22 June 2018)
<a href="#">DH-SYSC-II(2018)R3</a>	Report of the 3 <sup>rd</sup> DH-SYSC-II meeting (3–5 April 2018)
<a href="#">CDDH(2017)R88</a>	Report of the 88 <sup>th</sup> CDDH meeting (5–7 December 2017)
<a href="#">DH-SYSC(2017)R4</a>	Report of the 4 <sup>th</sup> DH-SYSC meeting (9–10 November 2017)
<a href="#">DH-SYSC-II(2017)R2</a>	Report of the 2 <sup>nd</sup> DH-SYSC-II meeting (20–22 September 2017)
<a href="#">CDDH(2017)R87</a>	Report of the 87 <sup>th</sup> CDDH meeting (6–9 June 2017)
<a href="#">DH-SYSC(2017)R3</a>	Report of the 3 <sup>rd</sup> DH-SYSC meeting (10–12 May 2017)
<a href="#">DH-SYSC-II(2017)R1</a>	Report of the 1 <sup>st</sup> DH-SYSC-II meeting (30–31 March 2017)
<a href="#">CDDH(2015)R84 Addendum I</a>	CDDH report on the longer-term future of the system of the European Convention on Human Rights
	<a href="#">Copenhagen Declaration</a>
<a href="#">CDDH(2015)004</a>	Brussels Declaration
<a href="#">CDDH(2012)007</a>	Brighton Declaration
<a href="#">CDDH(2011)010</a>	Izmir Declaration
<a href="#">CDDH(2010)001</a>	Interlaken Declaration
<a href="#">DH-SYSC(2016)009</a>	Decisions adopted at the 1252 <sup>nd</sup> meeting of the Ministers' Deputies on the CDDH Report on the longer-term future of the system of the European Convention on Human Rights (30 March 2016)
<a href="#">CM/Res(2011)24</a>	Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

<a href="#">DH-SYSC-II(2018)23</a>	Chapter of Theme 1, subtheme i) (Methodology of interpretation by the European Court of Human Rights and its approach to international law), as provisionally adopted at the 4 <sup>th</sup> DH-SYSC-II meeting in September 2018
<a href="#">DH-SYSC-II(2018)25</a>	Chapter of Theme 1, subtheme iii) (Interaction between the resolutions of the Security Council and the European Convention on Human Rights), as provisionally adopted at the 4 <sup>th</sup> DH-SYSC-II meeting in September 2018
<a href="#">DH-SYSC-II(2019)35</a>	Chapter of Theme 1, subtheme iv) (Interaction between international humanitarian law and the European Convention on Human Rights), as provisionally adopted at the 5 <sup>th</sup> DH-SYSC-II meeting in February 2019
<a href="#">DH-SYSC-II(2019)36</a>	Chapter of Theme 2 (Challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe Member States are parties), as provisionally adopted at the 5 <sup>th</sup> DH-SYSC-II meeting in February 2019
	<b>ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS</b>
<a href="#">DH-SYSC-II(2019)OJ2</a>	Draft agenda
<a href="#">DH-SYSC-II(2019)OT2</a>	Draft order of business
	<b>ITEM 2: DISCUSSION ON, AND ADOPTION OF THE REMAINING PARAGRAPHS OF THE REVISED DRAFT CHAPTER OF THEME 1 SUBTHEME ii) – STATE RESPONSIBILITY AND EXTRATERRITORIAL APPLICATION OF THE ECHR</b>
<a href="#">DH-SYSC-II(2018)24Rev</a>	Revised draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), as amended in the 5 <sup>th</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2019)28</a>	Comments on the revised draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), in view of the 5 <sup>th</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2018)16</a>	Draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), as submitted by co-Rapporteurs Prof. Alexei Ispolinov and Mr Chanaka Wickremasinghe in view of the 4 <sup>th</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2018)18rev</a>	Comments on the draft chapters of Theme 1, in view of the 4 <sup>th</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2018)08rev</a>	Comments on the draft chapter of Theme 1, subthemes ii) and iii), in view of the 3 <sup>rd</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2018)21</a>	Contribution of the Registry of the European Court of Human Rights

<a href="#">DH-SYSC-II(2018)12</a>	Notes of the presentation on Theme 1, sub-theme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights) submitted by Prof. R. Lawson, University of Leiden (Netherlands)
<a href="#">DH-SYSC-II(2018)04</a>	Contribution for the preparation of the draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights) by the Contributor, Mr M. Zwanenburg
<a href="#">DH-SYSC-II(2018)06</a>	External voluntary contributions on Theme 1, subthemes ii) and iii) from two Italian universities
	<b>ITEM 3: DISCUSSION ON, AND ADOPTION OF THE DRAFT CHAPTER OF THEME 3 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND THE LEGAL ORDER OF THE EU AND OTHER REGIONAL ORGANISATIONS</b>
<a href="#">DH-SYSC-II(2019)38</a>	Revised draft chapter of Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations), as amended by the Rapporteur in the light of the experts' written comments in view of the 6 <sup>h</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2019)37rev</a>	Comments on the draft chapter of Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations), in view of the 6 <sup>h</sup> DH-SYSC-II meeting
<a href="#">DH-SYSC-II(2019)34</a>	Draft chapter of Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations), submitted by the Rapporteur, Ms Kristīne Līcis, in view of the 6 <sup>th</sup> meeting of the DH-SYSC-II
<a href="#">DH-SYSC-II(2019)32</a>	Outline of the draft chapter of Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations) submitted by the Rapporteur, Ms Kristīne Līcis, in view of the 5 <sup>th</sup> meeting of the DH-SYSC-II
<a href="#">DH-SYSC-II(2019)33</a>	Notes of the presentation on Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations) submitted by the <i>ad hoc</i> expert Prof. O. De Schutter
	<b>ITEM 4: DISCUSSION ON FORMAL ASPECTS OF THE FUTURE DRAFT REPORT</b>
	<b>ITEM 5: ORGANISATION OF FUTURE WORK</b>
<a href="#">DH-SYSC-II(2019)39</a>	Revised Planning of the work of the DH-SYSC-II, in view of the 6 <sup>th</sup> DH-SYSC-II meeting
	<b>ITEM 6: ADOPTION OF THE MEETING REPORT</b>

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Appendix III

**Revised planning of the work of the DH-SYSC-II**

**1<sup>st</sup> meeting: 30-31 March 2017**

- Brainstorming Seminar on the place of the Convention in the European and international legal order, co-organised by the *PluriCourts* academic network
- Beginning of the work of the Drafting Group

**2<sup>nd</sup> meeting: 20-22 September 2017**

- Nomination of Rapporteurs and Contributors
- Discussion on Theme 1, subthemes ii) and iii)

The Contributors for **Theme 1 covering subthemes ii) and iii)** send their contributions to the co-Rapporteurs: 30 November 2017

The co-Rapporteurs send the draft chapter of **Theme 1 covering subtheme iii)** to the Secretariat: 8 February 2018

The Secretariat circulates the English version of the draft chapter of **Theme 1 covering subtheme iii)** to the experts for written comments: 8 February 2018 (the French version will follow as soon as possible)

The co-Rapporteurs send the draft chapter of **Theme 1 covering subtheme ii)** to the Secretariat: mid-February 2018

The Secretariat circulates the English version of the draft chapter of **Theme 1 covering subtheme ii)** to the experts for written comments: mid-February 2018 (the French version will follow as soon as possible)

Deadline for written comments on the draft chapters of **Theme 1 covering subthemes ii) and iii)** from the experts to the Secretariat: 12 March 2018

The Secretariat compiles the written comments and circulates them to the experts: 23 March 2018

**3<sup>rd</sup> meeting: 3-5 April 2018**

- Discussion of draft chapter on Theme 1, subthemes ii) and iii) (+ *ad hoc* expert)
- Discussion on Theme 1, subthemes i) and iv) (+ *ad hoc* expert)

Deadline for *ad hoc* expert suggestions: 19 April 2018

The co-Rapporteurs send a first draft of the new chapter on **Theme 1, subthemes ii) and iii)**, showing the broad lines along which the draft chapter will be revised, to the Secretariat with a view to its circulation at the 89<sup>th</sup> CDDH meeting in June: 1 June 2018

The Contributors for **Theme 1 covering subthemes i) and iv)** send their contributions to the co-Rapporteurs: 1 June 2018

The co-Rapporteurs send the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and the draft chapter of **Theme 1 covering subthemes i) and iv)** to the Secretariat: 29 June 2018

The Secretariat circulates the English version of the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and of the draft chapter of **Theme 1 covering subthemes i) and iv)** to the experts for written comments: 29 June 2018

The Secretariat translates the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and the draft chapter of **Theme 1 covering subthemes i) and iv)** and circulates the French versions to the experts: 20 July 2018

Deadline for sending written comments on the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and on the draft chapter of **Theme 1 covering subthemes i) and iv)** from the experts to the Secretariat: 17 August 2018

The Secretariat compiles the written comments and sends the compilation to the experts and to the co-Rapporteurs for them to prepare a revised draft chapter of **Theme 1 covering subthemes i) and iv)**: 28 August 2018

After receiving the revised draft chapter of **Theme 1 covering subthemes i) and iv)** from the co-Rapporteurs, the Secretariat circulates the revised draft chapter of **Theme 1 covering subthemes i) and iv)** to the experts: 14 September 2018

#### **4<sup>th</sup> meeting: 25-28 September 2018**

- Provisional adoption of the draft chapters on Theme 1 subthemes i) and iii)
- Discussion on Theme 1 subtheme ii)
- Discussion on Theme 2 (+ *ad hoc* expert)

The Rapporteur sends the draft chapter of **Theme 2** to the Secretariat: 24 October 2018

The Secretariat circulates the original language version of the draft chapter of **Theme 2** to the experts for written comments: 26 October 2018

The Secretariat sends the provisionally adopted draft chapters of **Theme 1 subtheme i) and subtheme iii)** to the Group as soon as both language versions are finalised and to the CDDH for information and discussion at its forthcoming meeting (27-30 November 2018): November 2018

The Secretariat sends the revised draft chapter of **Theme 1 subtheme ii)** to the experts for information before the CDDH meeting (27-30 November 2018): mid-November 2018

The Secretariat translates and circulates the translation of the draft chapter of **Theme 2** to the experts for written comments: 15 November 2018

Deadline for sending the experts' written comments on the draft chapter of **Theme 2** to the Secretariat: 17 December 2018

The Secretariat compiles the written comments and sends them to the experts and to the Rapporteur for her to prepare a revised draft chapter of **Theme 2**: 19 December 2018

Deadline for sending the expert's written comments on the revised draft chapter of **Theme 1 subtheme ii)** to the Secretariat: 9 January 2019

After receiving the revised draft chapter of **Theme 2** from the Rapporteur, the Secretariat circulates it to the experts: 20 January 2019

#### **5<sup>th</sup> meeting: 5-8 February 2019**

- Adoption of the draft chapter on Theme 1 subtheme iv) and the draft chapter on Theme 2
- Adoption of a number of paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion on Theme 3 (+ *ad hoc* expert)

Deadline for Member States' experts to send material concerning the Eurasian Economic Union to the Rapporteur and the Secretariat: 28 February 2019

The Rapporteur sends the draft chapter of **Theme 3** to the Secretariat: [15] 25 March 2019

The Secretariat circulates the original language version of the draft chapter of **Theme 3** to the experts for written comments: [18] 26 March 2019

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The Secretariat translates and circulates the translation of the draft chapter of **Theme 3** to the experts for written comments: [\[2\] 16 April 2019](#)

Deadline for sending the experts' written comments on the draft chapter of **Theme 3** to the Secretariat: [\[23\] 29 April 2019](#)

The Secretariat compiles the written comments and sends them to the experts and to the Rapporteur for her to prepare a revised draft chapter of **Theme 3**: [\[25 April\] 7 May 2019](#)

After receiving the revised draft chapter of **Theme 3** from the Rapporteur, the Secretariat circulates it to the experts: [13 May 2019](#)

### **6<sup>th</sup> meeting: 22-24 May 2019**

- Adoption of the draft chapter on Theme 3
- Adoption of a part of the remaining paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion on formal aspects of the future draft Report

The Secretariat circulates paragraph 51 and paragraphs 93 to 103 included of Theme 1 subtheme ii) in a separate document, together with the written comments already submitted by the delegations, for written comments: [3 June 2019](#)

The Chair, in coordination with the Rapporteurs and the Secretariat, compiles the chapters into one coherent draft Report with an executive summary, an introduction and a conclusion.

The Secretariat circulates the draft Report to the experts: [8 July 2019](#)

Deadline for sending the experts' written comments<sup>8</sup> on the draft Report and on paragraph 51 and paragraphs 93 to 103 included of Theme 1 subtheme ii) to the Secretariat: [21 August 2019](#)

The Secretariat compiles the written comments and circulates them to the experts together with the revised draft Report: [2 September 2019](#)

### **7<sup>th</sup> meeting: 18-20 September 2019**

- Adoption of the remaining paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion and adoption of the revised draft Report

Transmission of the Report for adoption to the DH-SYSC (meeting: 16-18 October 2019) and to the CDDH (meeting: 26-29 November 2019)

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<sup>8</sup> As for the provisionally adopted text, only written comments on the form of the text or regarding updates of the case law are expected.