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**Interinstitutional Files:**

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2017/0266 (NLE)

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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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No. prev. doc.: 14604/17  
No. Cion doc.: 13424/17+ADD 1; 13425/17+ADD 1

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Subject: Draft Council Decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)  
Draft Council Decision on the conclusion, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)  
- Adoption

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1. On 18 September 2015 the Council adopted Decisions EU 2015/1913 and EU 2015/1914 on the signing, on behalf of the European Union, of the Council of Europe Convention<sup>1</sup> and of the Additional Protocol<sup>2</sup> as regards matters falling within the competence of the Union.
2. In accordance with the above-mentioned Council Decisions, the Council of Europe Convention and its Additional Protocol were signed on 22 October 2015 subject to their conclusion.

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<sup>1</sup> OJ L 280, 24.10.2015, p.22

<sup>2</sup> OJ L 280, 24.10.2015, p.24

3. In order to complete the accession process of the Union to the above mentioned Council of Europe instruments, the Commission submitted two proposals for Council Decisions on the conclusion, on behalf of the Union, of the Convention and its Additional Protocol on 19 October 2017.
4. The Council decided on 18 December 2017 to request the European Parliament, in accordance with Article 218(6)(a) TFEU, to give its consent to:
  - the draft Council Decision on the conclusion on the Council of Europe Convention as finalised by the legal/linguistic experts (14494/17) as well as the text of the Convention (14445/17), and
  - the draft Council Decision on the conclusion of the Additional Protocol (14498/17) as finalised by the legal/linguistic experts as well as the text of the Additional Protocol (14447/17).
5. On 21 January 2018, the notification period under Article 3 of Protocol (No 21) to the Treaties on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice expired. By letter dated 27 February 2018, the Council informed the European Parliament that the United Kingdom had not notified its wish to participate in the adoption of the Decisions within that period and that the Decisions would be adopted, subject to the European Parliament's consent, by the Council with the standard recital reflecting the position of the United Kingdom not taking part in the adoption of the Decisions as set out in 14494/1/17 REV 1 and 14498/1/17 REV 1, as finalised by the legal linguistic experts.
6. On 18 April 2018 the European Parliament adopted two legislative resolutions on the draft Council Decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism and of its Additional Protocol. The European Parliament gave its consent to the conclusion of the Convention and of its additional Protocol and instructed its President to forward its position to the Council, the Commission, the governments and parliaments of the Member States and the Council of Europe.

7. The Permanent Representatives Committee is therefore invited to recommend that the Council adopts, as an "A" item of the agenda of one of its forthcoming sessions,
- the draft Council Decision on the conclusion of the Council of Europe Convention as finalised by the legal/linguistic experts (14494/1/17 REV 1) as well as the text of the Convention (14445/17), and
  - the draft Council Decision on the conclusion of the Additional Protocol (14498/1/17 REV 1) as finalised by the legal/linguistic experts as well as the text of the Additional Protocol (14447/17).

These Decisions will be published in the OJ in accordance with the applicable rules.

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