



Brussels, 3 March 2025
(OR. en)

6672/25

Interinstitutional File:
2025/0037(NLE)

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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 67 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Committee of the Parties of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, on the amendments to the Committee's Rules of Procedure, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement

Delegations will find attached document COM(2025) 67 final.

Encl.: COM(2025) 67 final



EUROPEAN
COMMISSION

Brussels, 28.2.2025
COM(2025) 67 final

2025/0037 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Committee of the Parties of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, on the amendments to the Committee's Rules of Procedure, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Committee of the Parties¹ ('CoP') of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence ('the Istanbul Convention' or 'the Convention'), in connection with the envisaged adoption of the Proposal of the Chair of the Committee of the Parties for the amendment of the Rules of Procedure of the Committee of the Parties of the Istanbul Convention (IC-CP(2025)1 prov). The proposal introduces a consensus clause and a review clause in the rules on voting (Rule 20) and an amendment of the rule on participants without the right to vote (Rule 2). Amending the Rules of Procedure became necessary following the European Union's accession to the Istanbul Convention.

2. CONTEXT OF THE PROPOSAL

2.1. The Istanbul Convention

The Istanbul Convention establishes a comprehensive and harmonised set of rules to prevent and combat violence against women and domestic violence in Europe and beyond. The Convention entered into force on 1 August 2014.

The EU signed the Convention in June 2017, and completed the accession procedure on 28 June 2023, triggering the entry into force of the Convention for the EU on 1 October 2023. The EU has acceded to the Convention as regards matters falling within its exclusive competence, namely matters related to institutions and public administration of the Union² and matters related to judicial cooperation in criminal matters, asylum and non-refoulement³ Ireland and Denmark are not bound by the Union's exercise of its competence as regards matters related to judicial cooperation in criminal matters, asylum and non-refoulement⁴. All EU Member States have signed the Convention and, as of 5 February 2025, 22 have ratified it and thus have the right to vote in the CoP⁵. There are currently 39 Parties to the Convention, including the EU and 22 EU Member States.

2.2. The Committee of the Parties of the Convention

The Committee of the Parties is the political body of the Istanbul Convention's monitoring mechanism and is composed of the representatives of the Parties to the Convention. Pursuant

¹ [Committee of the Parties - Istanbul Convention Action against violence against women and domestic violence](#)

² Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union, OJ L 143 I, 2.6.2023, p. 1–3.

³ Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, OJ L 143 I, 2.6.2023, p. 4–6.

⁴ In accordance with Protocols No 21 and No 22 annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

⁵ Status of ratifications on 08.01.2025: AT (2013); BE (2016); CY (2017); DE (2017); DK (2014); IE (2019); EL (2018); ES (2014); EE (2017) FI (2015); FR (2014); HR (2018); IT (2013); LU (2018); MT (2014); NL (2015); PL (2015); PT (2013); RO (2016); SI (2015); SV (2014), LV (2024).

to Article 67(2) of the Convention, the CoP is tasked to elect the members of the Group of Experts on Action against Violence against Women and Domestic Violence ('GREVIO'). In accordance with Article 68(12) of the Convention, the CoP may adopt, on the basis of the reports and conclusions of GREVIO, recommendations addressed to the Parties on the implementation of the Convention. It also supervises the implementation of those recommendations once the three-year period for implementation has ended⁶. Moreover, the CoP examines the findings of special inquiries transmitted to it by GREVIO in accordance with Article 68(15) of the Convention. The CoP also elects the members of its bureau – a chair and two vice-chairs⁷.

Pursuant to Article 67(3) of the Convention, the CoP adopted its Rules of Procedure⁸ ('the Rules of Procedure') at its first meeting on 4 May 2015. Rule 20 of the Rules of Procedure on voting establishes, in its first paragraph, that "[e]ach member of the Committee shall have one vote" and, in its third paragraph, that the quorum required for decisions of the Committee is "a two-thirds majority of the votes cast". The same quorum is also required to amend the Rules of Procedure (Rule 25). To date, the practice of the CoP has been to adopt recommendations and conclusions on the basis of consensus.

2.3. The envisaged amendment of the Rules of Procedure of the Committee of the Parties

On 28 August 2023, the Secretariat of the CoP proposed amendments to the Rules of Procedure to reflect the impact of the Union's accession on the functioning of the Committee, and, in particular, on the voting provisions. The CoP Secretariat gave Parties the possibility to comment. The Union, in accordance with Council Decisions (EU) 2024/1669 and 2024/1680 adopted on 22 April 2024, proposed a number of alternative amendments to the Rules of Procedure⁹. At the 16th meeting of the Committee, on 31 May 2024, the EU and the United Kingdom presented their suggestions. During the subsequent discussions, several non-EU member states opposed the EU's proposal. Since it was not possible to reach agreement, the Committee decided that its Chair would conduct informal discussions to seek a compromise solution. Following the informal consultations, the Chair submitted a new proposal in November 2024 (IC-CP(2024)12 prov) which was discussed during the 17th meeting of the Committee on 17 December 2024. According to the proposal, the current voting rules should continue to apply but be supplemented by a consensus clause and a review clause. Several non-EU member states wanted the EU's voting rights in Council of Europe conventions to be addressed horizontally for all conventions to which the EU is a party, but could accept the revised proposal as a temporary solution. No Party raised any concerns with the new proposal,

⁶ See the "Framework for supervising the implementation of the recommendations addressed to state parties", adopted by the CoP on 13 April 2021, IC-CP/Inf(2021)2.

⁷ The tasks entrusted to the CoP are listed in Rule 1 of the Rules of Procedure.

⁸ Document IC-CP(2015)2, adopted on 4 May 2015, [Rules of Procedure](#).

⁹ Council Decision (EU) 2024/1669 of 22 April 2024 on the position to be taken on behalf of the European Union within the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence on amendments to the Committee's Rules of Procedure, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, OJ L, 2024/1669, 12.6.2024, ELI: <http://data.europa.eu/eli/dec/2024/1669/oj>, and Council Decision (EU) 2024/1680 of 22 April 2024 on the position to be taken on behalf of the European Union within the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence on amendments to the Committee's Rules of Procedure, with regard to matters related to institutions and public administration of the Union, OJ L, 2024/1680, 12.6.2024, ELI: <http://data.europa.eu/eli/dec/2024/1680/oj>.

apart from some minor drafting suggestions. On 13 February 2025, the CoP Secretariat shared the revised Proposal of the Chair of the Committee of the Parties regarding amendments to the Rules of Procedure of the Committee of the Parties to the Istanbul Convention (document IC-CP(2025)1prov) ('the envisaged act'). The Secretariat invited the Parties to approve the proposal through a written procedure. It was further communicated that, unless objections were submitted in writing to the Secretariat by 30 April 2025, the envisaged act would be deemed adopted.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The Chair is proposing to adopt Rule 20 ("Voting") of the Rules of Procedure anew with the following amendments:

Firstly, in Rule 20(1), a consensus clause is being proposed stating that every effort shall be made by the Committee to continue its practice of taking decisions by consensus. Only if that is not possible, voting shall take place in accordance with the provisions of this Rule.

Consequently, paragraphs (1) to (6) of Rule 20 are renumbered as paragraphs (2) to (7). No other amendments are proposed to those paragraphs.

Secondly, in Rule 20(8), a revision clause is being introduced stating that the Committee shall examine the application of these rules no later than three years after its adoption, and earlier should the need arise, upon initiative by the Chair or at the request of at least three Parties to the Convention. If appropriate, the rule should be revised to address any concerns and shortcomings in accordance with the procedure under Rule 25.

Thirdly, it is proposed that the reference to the European Union should be deleted from the list of representatives in Rule 2.2.b of the Rules of Procedure that are allowed to participate in the meetings of the CoP without the right to vote or the defrayal of expenses. The rule is obsolete since the European Union has become a full member of the CoP.

It is proposed that the position of the EU should be to not object to the adoption of the revised proposal for amendment of the Rules of Procedure as outlined in document IC-CP(2025)1prov. The proposal would entail that the current voting rules essentially remain in effect. Accordingly, the Union would have one vote in addition to the votes of the Member States that are Parties to the Convention. The two additional elements provided in Rule 20 should also be accepted: the consensus clause codifies the existing practice in the CoP and the review clause spells out the intention to reassess the Rules of Procedure within the next three years, without prejudging any specific outcome.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing 'the positions to be adopted on the Union's behalf in a body set up by an

agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’

The concept of ‘acts having legal effects’ includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are ‘capable of decisively influencing the content of the legislation adopted by the EU legislature’¹⁰.

4.1.2. Application to the present case

The Committee of the Parties is a body set up by the Istanbul Convention. The new amendment to the Rules of Procedure which the CoP is called upon to adopt constitute an act having legal effects. The envisaged act will be binding under international law in accordance with Article 67(3) of the Convention. The envisaged act does not supplement or amend the institutional framework of the Convention. Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

With regard to an envisaged act that simultaneously pursues a number of objectives, or that has several components, which are inseparably linked without one being incidental to the other, the substantive legal basis of a decision under Article 218(9) TFEU will have to include, exceptionally, the various corresponding legal bases.

4.2.2. Application to the present case

The main objective of the envisaged act is to amend the Rules of Procedure following the Union's accession to the Istanbul Convention. As regards the substantive legal basis, the EU has acceded to the Istanbul Convention as regards matters falling within its exclusive competence, namely matters related to institutions and public administration of the Union¹¹ and matters related to judicial cooperation in criminal matters, asylum and non-refoulement¹². The EU accession to the Istanbul Convention was split into two separate Council Decisions to take into account the special position of Denmark and Ireland with respect to Title V of the TFEU.

¹⁰ Judgment of the Court of Justice of 7 October 2014, *Germany v Council*, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

¹¹ Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union, OJ L 143 I, 2.6.2023, p. 1–3.

¹² Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, OJ L 143 I, 2.6.2023, p. 4–6

Consequently, the decision establishing the position to be taken on the Union's behalf in the CoP in relation to the envisaged act is to be split into two parallel decisions. The legal basis for the present decision concerns matters related to judicial cooperation in criminal matters, asylum and non-refoulement. Therefore, the substantive legal basis of the proposed decision comprises the following provisions: Article 82(2), Article 84 and Article 78(2).

4.3. Conclusion

The legal basis of the proposed decision should be Article 82(2), Article 84 and Article 78(2), in conjunction with Article 218(9) TFEU.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2), Article 84 and Article 78(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Council of Europe Convention on preventing and combating violence against women and domestic violence ('the Convention') was concluded by the Union by means of Council Decision (EU) 2023/1075¹³, with regard to institutions and public administration of the Union, and by means of Council Decision (EU) 2023/1076¹⁴, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, and entered into force for the Union on 1 October 2023. To date, there are 39 Parties to the Convention, including the Union and 22 Member States.
- (2) The Committee of the Parties ('the Committee') is a body of the monitoring mechanism of the Convention. Pursuant to Article 67(3) of the Convention, the Committee has adopted its own rules of procedure ('the Rules of Procedure'). The Rules of Procedure provide that each Party to the Convention has one vote. The accession of the Union to the Convention requires certain adjustments to the Rules of Procedure, in particular as regards voting rights.
- (3) In August 2023, the Secretariat of the Committee proposed certain amendments to the Rules of Procedure to reflect the impact of the Union's accession on the functioning of the Committee. It asked the Parties to the Convention to submit drafting suggestions.

¹³ Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union (OJ L 143 I, 2.6.2023, p. 1, ELI: <http://data.europa.eu/eli/dec/2023/1075/oj>).

¹⁴ Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement (OJ L 143 I, 2.6.2023, p. 4, ELI: <http://data.europa.eu/eli/dec/2023/1076/oj>).

The Union established its position on the proposed amendments on 22 April 2024¹⁵ and proposed alternative amendments to the Rules of Procedure. During the 16th meeting of the Committee on 31 May 2024, it was not possible to reach an agreement on the proposed amendments and the Committee decided that its Chair would conduct informal consultations to seek a solution agreeable to all members of the Committee.

- (4) Following the informal consultations, the Chair submitted a revised proposal in November 2024 (IC-CP(2024)12 prov). According to that proposal, the current voting rules should continue to apply but be supplemented by a consensus clause (stating that every effort shall be made by the Committee to continue its practice of taking decisions by consensus) and a review clause (stating that the Committee shall examine the application of the rules within three years after adoption of the amendments).
- (5) On 13 February 2025, the Secretariat of the Committee shared the revised Proposal of the Chair of the Committee of the Parties for the amendment of the Rules of Procedure of the Committee of the Parties to the Istanbul Convention (document IC-CP(2025)1prov) ('the envisaged act'). The Secretariat invited the Parties to approve the proposal through a written procedure. It was further communicated that, unless objections were submitted in writing to the Secretariat by 30 April 2025, the envisaged act would be deemed adopted.
- (6) It is appropriate to establish the position to be taken on the Union's behalf, as the amendments to the Rules of Procedure will be legally binding on the Union.
- (7) The adoption of the revised proposal for amendment of the Rules of Procedure would result in the current voting rules essentially remaining in effect with the Union having one vote in addition to the votes of the Member States which are Parties to the Convention. The addition of the consensus clause and the review clause should be acceptable to the Union. The consensus clause codifies the existing practice in the Committee and the review clause spells out the intention to reassess the Rules of Procedure no later than three years after the adoption of the amendments, without prejudging any specific outcome.
- (8) As regards the Rule of Procedure listing the participants which are not members of the Committee of the Parties, the reference to the European Union should be deleted since it has become obsolete.
- (9) The Union's position should therefore be to not object to the adoption of the proposal for amendments to the Rules of Procedure as outlined in document IC-CP(2025)1 prov.
- (10) Ireland is not bound by Council Decision (EU) 2023/1076 and is therefore not taking part in the adoption of this Decision.

¹⁵ Council Decision (EU) 2024/1669 of 22 April 2024 on the position to be taken on behalf of the European Union within the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence on amendments to the Committee's Rules of Procedure, with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement (OJ L, 2024/1669, 12.6.2024, ELI: <http://data.europa.eu/eli/dec/2024/1669/oj>), and Council Decision (EU) 2024/1680 of 22 April 2024 on the position to be taken on behalf of the European Union within the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence on amendments to the Committee's Rules of Procedure, with regard to matters related to institutions and public administration of the Union (OJ L, 2024/1680, 12.6.2024, ELI: <http://data.europa.eu/eli/dec/2024/1680/oj>).

- (11) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee of the Parties, established under Article 67 of the Convention, shall be to not object to the adoption of the revised Proposal of the Chair of the Committee of the Parties for the amendment of the Rules of Procedure of the Committee of the Parties of the Istanbul Convention [IC-CP(2025)1 prov].

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*