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2025/0355 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the signing of the Convention Establishing the International Claims Commission for  
Ukraine**

## **EXPLANATORY MEMORANDUM**

With this proposal, the Commission is requesting the authorisation from the Council to sign, on behalf of the Union, the Convention Establishing an International Claims Commission for Ukraine and the Final Act.

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

On 14 November 2022, the United Nations General Assembly adopted Resolution A/RES/ES-11/5<sup>1</sup>, entitled “Furtherance of remedy and reparation for aggression against Ukraine”, in which the General Assembly recognised that the Russian Federation must be held to account for any violations of international law in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations of international humanitarian law and international human rights law, and that it must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts.

The Resolution further recognised the need for the establishment, in cooperation with Ukraine, of an international mechanism for reparation for damage, loss or injury, arising from the internationally wrongful acts of the Russian Federation in or against Ukraine; and recommended the creation by Member States, in cooperation with Ukraine, of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damage, loss, or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and coordinate evidence-gathering. In line with the UN General Assembly Resolution, States adopted a stepwise approach, choosing to establish the register first, to be followed by the other elements of the compensation mechanism, namely a claims commission and a compensation fund.

On 12 May 2023, the Committee of Ministers of the Council of Europe adopted Resolution CM/Res(2023)3<sup>2</sup> establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (hereinafter: ‘Register’). The Union joined the Enlarged Partial Agreement on the Register as a founding Associate Member in May 2023<sup>3</sup> and changed its status from Associate Member to Participant in July 2024<sup>4</sup>, thereby reiterating the Union’s firm commitment to the activities of the Register, including via the payment of the annual compulsory contribution.

In the margins of the ‘Restoring Justice for Ukraine’ Ministerial Conference on 2 April 2024, the Register officially launched its activities. In this context, interested States agreed to launch discussions on a draft instrument on setting up a claims commission as an administrative body

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<sup>1</sup> UNGA resolution A/RES/ES-11/5, OP2-OP.

<sup>2</sup> Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, Adopted by the Committee of Ministers on 12 May 2023 at the 1466th meeting of the Ministers' Deputies, [0900001680ab2595](#).

<sup>3</sup> Commission Decision of 11.5.2023 on the EU participation as Founding Associate Member in the Enlarged Partial Agreement on the Register of damage caused by the Aggression of the Russian Federation against Ukraine within the institutional framework of the Council of Europe. C(2023) 3241.

<sup>4</sup> Council Decision (EU) 2024/2045 of 22 July 2024 on the position to be taken on behalf of the EU within the Council of Europe bodies as regards the status of the European Union in the Enlarged Partial Agreement on the Register of Damage caused by the Aggression of the Russian Federation against Ukraine. OJ L, 2024/2045, 24.7.2024.

to review, assess and decide eligible claims and determine the amount of compensation due in each case; and notably, to build on the Register's work.

The Secretariat of the Register prepared a 'zero draft' of the instrument setting up the future Claims Commission (hereinafter: 'draft instrument') and, together with Ukraine and the Netherlands, organised four preparatory meetings between July 2024 and January 2025 to exchange preliminary views on such draft and its further revised versions. All 94 States that voted in favour of the above-mentioned UN General Assembly Resolution were invited to these meetings.

On 17 March 2025, the Council adopted a Decision<sup>5</sup> authorising the Commission to participate, on behalf of the Union, in the negotiations for the draft instrument setting up the International Claims Commission for Ukraine ('Claims Commission').

Around 55 delegations, including the Union and all Member States, participated in the four meetings of the negotiations held in The Hague between March and September 2025. The first three meetings took place within the context of the Intergovernmental Negotiation Committee on an International Treaty to establish a Claims Commission for Ukraine (the "INC"). At its third meeting, the INC decided to develop the International Treaty as an open Council of Europe convention ('draft Convention'). Therefore, the fourth round of negotiations in September 2025 was held in the context of the first meeting of the Ad-hoc Committee on the Establishment of an International Claims Commission for Ukraine (CAHEC). The CAHEC discussed and provisionally approved the draft Convention as well as the Rules of Procedure, the Resolution and the Final Act for adoption at the Diplomatic Conference on 16 December 2025. The Final Act will include the Convention, a Resolution, and the meeting report of the Diplomatic Conference as annexes.

The Commission, in close coordination with the European External Action Service (EEAS), actively contributed to the negotiations on the basis of the objectives set out in the Council's negotiating directives and regularly reported to the Council Working Party on the Organisation for Security and Cooperation in Europe and the Council of Europe (COSCE) pursuant to the abovementioned Decision.

The Draft Convention, annexed to the present proposal, details:

- (1) The Claims Commission as an independent administrative body with international legal personality within the institutional framework of the Council of Europe. The Claims Commission constitutes the second component of the international compensation mechanism. The functions of the Register should continue as part of the Claims Commission, which becomes the Register's legal successor, receiving its digital platform, data, and archives.
- (2) The Convention clarifies that whilst it addresses internationally wrongful acts committed by the Russian Federation in or against Ukraine on or after 24 February 2022, this does not absolve the Russian Federation of any responsibility for its internationally wrongful acts committed in or against Ukraine on or after 20 February 2014, nor does it preclude the possibility of a future amendment to the Convention to allow its temporal scope to be extended to 20 February 2014.
- (3) Any State, the Union, and any other Regional Integration Organisation may become a Member of the Claims Commission. Members must pay annual contributions to

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<sup>5</sup> Council Decision (EU) 2025/702 of 17 March 2025 authorising the European Commission to take part, on behalf of the Union, in the negotiations for an international instrument setting up an International Claims Commission for Ukraine. OJ L, 2025/702, 8.4.2025.

fund the Claims Commission until the Russian Federation bears the costs. Observers generally participate without the right to vote, but those making substantial voluntary contributions gain voting rights for specific financial reports and the budget.

- (4) If the Russian Federation seeks membership, it must make a declaration agreeing to accept responsibility for all damage, fund compensation, and reimburse costs of all Members and Observers from the date of the Convention's entry into force.

On 22 October 2025, the Committee of Ministers of the Council of Europe provisionally adopted the draft Convention. The Council of Europe and the Kingdom of the Netherlands will co-host a Diplomatic Conference at ministerial level on 16 December 2025 in The Hague for: (i) the adoption of the Convention, the Resolution and the Final Act; and (ii) the signing of the Final Act, which includes the Convention, the Resolution, and the meeting report of the Diplomatic Conference as annexes.

The purpose of this proposal is therefore to ensure that the Commission is authorised to sign, on behalf of the Union, the Final Act, which includes, *inter alia*, the Convention and the Resolution as annexes, the Convention itself being subject to its conclusion at a later stage.

- **Consistency with existing policy provisions in the policy area**

The present proposal is consistent with the actions undertaken by the Union in response to the Russian Federation's war of aggression against Ukraine launched in February 2022. It consolidates the Union's commitment to upholding international law, to ensuring accountability for the commission of international crimes in and against Ukraine, and to supporting Ukraine's right to justice and to full reparation.

In particular, the present proposal directly builds on the Union's commitment to the establishment of a compensation mechanism for Ukraine, including its participation in the Register. The Register was announced at the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe in Reykjavik (16-17 May 2023) to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury caused to all natural and legal persons concerned, as well as the State of Ukraine, on or after 24 February 2022 in the territory of Ukraine by the Russian Federation's internationally wrongful acts in or against Ukraine. As mentioned above, the Union joined the Enlarged Partial Agreement on the Register from the very beginning as a founding Associate Member, enhancing its commitment even further in July 2024 by becoming a full Participant.

On 9 July 2025, the Committee of Ministers approved the extension of the Register beyond May 2026 by adopting Resolution CM/Res(2025)3<sup>6</sup> confirming the establishment of the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.

As provided by the Draft Convention on the International Claims Commission for Ukraine, as well as Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage, the transfer of the work of the Register to the Claims Commission should include the digital platform of the Register, including all information about claims and evidence contained therein, other documentation, its archives, its movable and immovable property, including, but not limited to, bank accounts, IT equipment, software and any licences thereto, contracts, and arrangements of the Register, as well as any associated data, in such a way that the Claims Commission becomes the legal successor of the Register.

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<sup>6</sup> Resolution CM/Res(2025)3 confirming the establishment of the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, Adopted by the Committee of Ministers on 9 July 2025 at the 1534th meeting of the Ministers' Deputies.

The establishment of the international compensation mechanism for Ukraine has been mainly supported through the Ukraine Facility Regulation<sup>7</sup>, adopted on the basis of Article 212 TFEU. Among its objectives, the Facility aims at ‘supporting initiatives and bodies and organisations involved in supporting and enforcing democracy, international justice and anti-corruption efforts in Ukraine’ (Article 3(i)) and ‘strengthening compliance with international law’ (Article 3(h)). In line with Article 34(3) of the Ukraine Facility Regulation, the Union has been financially supporting ‘processes that promote justice, truth-seeking, comprehensive post-conflict rehabilitation for an inclusive, peaceful society, as well as collection of evidence of crimes committed during the war’, such as the Register and the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA).

- **Consistency with other Union policies**

The proposal is consistent with the Union’s broader policies in support to Ukraine to pursue distinct but mutually reinforcing objectives within the broader accountability architecture addressing the Russian Federation’s unlawful war of aggression.

On 2 February 2023, the Commission announced the setting up of the ICPA, hosted at Eurojust. Established in July 2023, the ICPA has been instrumental in enhancing national investigations into the crime of aggression carried out by Ukraine and five Member States by securing evidence and facilitating the joint case building for future trials before the Special Tribunal.

Between January 2023 and March 2025, the Union participated in the Core Group on the Establishment of a Special Tribunal for the Crime of Aggression against Ukraine (hereinafter ‘Core Group’) to discuss the modalities of establishing such Tribunal with the power to investigate, prosecute, and try persons who bear the greatest responsibility for the crime of aggression against Ukraine. On 9 May 2025, the Ministers for Foreign Affairs and other representatives of participants in the Core Group convened in Lviv and adopted the “Lviv Statement” by which they committed to the process of establishing the Special Tribunal within the framework of the Council of Europe, to the swift commencement of its operation, and to supporting its effective functioning, while acknowledging the instrumental contribution by the Commission and the EEAS throughout the process, notably in the drafting of the relevant legal instruments to set up the Tribunal. On 25 June 2025, Ukraine and the Council of Europe signed an agreement establishing the Special Tribunal.

The present proposal also complements the Union’s active participation in coordination platforms such as the US-UK-EU Atrocity Crimes Advisory Group, which supports the Office of the Prosecutor General of Ukraine through expert assistance, and the Dialogue Group, which serves as a hub for coordinating support by international organisations, civil society actors, and donors to Ukraine’s justice sector.

Finally, the proposal is consistent with the EU’s policy to impose an ever-growing number of restrictive measures against the Russian Federation with a view to increasing the costs of the Russian Federation for its illegal actions and thwarting its ability to continue its aggression. To enhance the enforcement of restrictive measures, the Union has, among others, set up the Freeze and Seize Task Force and adopted a Directive that harmonises the definition of, and criminal penalties for the violation of Union restrictive measures (Directive (EU) 2024/1226). The Commission appointed an EU Sanctions Envoy to ensure continuous, high-level

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<sup>7</sup> Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility. OJ L, 2024/792, 29.2.2024.

discussions with third countries on how to avoid the evasion or circumvention of the Union restrictive measures, in particular, those adopted against the Russian Federation, and published guidance to national authorities and private operators dealing with the interpretation of the relevant Union rules on the matter.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

The Commission has not carried out stakeholder consultations on this proposal.

The draft Convention was the result of a collaborative effort within the context of the INC and CAHEC, involving around 55 delegations, including members States and non-member States of the Council of Europe that voted in favour of the UN General Assembly Resolution ES-11/5 of 14 November 2022, as well as the European Union.

- **Collection and use of expertise**

In line with the Council Decision authorising the Commission to take part, on behalf of the Union, in the negotiations for an international instrument setting up an International Claims Commission for Ukraine, the Union's negotiation positions for the Convention have been prepared in consultations with the Council Working Party COSCE.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The present proposal aims to ensure that, via the Claims Commission, the damage, loss, or injury caused by internationally wrongful acts committed by the Russian Federation in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations by the Russian Federation of international humanitarian law and international human rights law can be duly compensated. The accession of the Union to the Convention is in line with the Charter of Fundamental Rights of the European Union.

## **3. LEGAL ELEMENTS OF THE PROPOSAL**

- **Legal basis**

The substantive legal basis for the adoption of the Council Decision authorising the signature of the Convention is Article 212 TFEU. The Council Decision (EU) 2025/702 on the participation of the Commission in the negotiations on the Claims Commission on behalf of the Union was equally adopted on the substantive legal basis of Article 212 TFEU.

Furthermore, the use of this legal basis also aligns with Council Decision (EU) 2024/2045 on the change of the Union's status in the Register of Damage from Associate Member to



Participant, the Ukraine Facility Instrument established by Regulation (EU) 2024/792 as source for financial assistance to the compensation mechanism for Ukraine.

The procedural legal basis for the adoption of the Council Decision authorising the signature of the Convention is Article 218(5) TFEU.

As illustrated by the UN General Assembly resolutions referred to above and in the preamble of the Draft Convention, the Claims Commission will be set up to ensure that victims of the aggression of the Russian Federation against Ukraine, in manifest violation of Article 2(4) of the UN Charter, are duly compensated for the damage they suffered as a result of Russia's internationally wrongful acts, in line with international law. The setting up of this mechanism will thus also form part of the efforts of the international community to ensure respect for human rights and the principles of international law, as well as international peace and security. From the perspective of the Union, the participation in this mechanism corresponds to the objectives underpinning the Union's external action, as set out in Article 21(2) TEU.

- **Subsidiarity (for non-exclusive competence)**

In accordance with Article 216(1) TFEU, the Union's conclusion of the Convention Establishing an International Claims Commission for Ukraine falls within the external competence of the Union.

In accordance with Article 212(3) second subparagraph TFEU, the signature by the Union of the Convention does not affect the competence of the Member States "to conclude international agreements." This provision, read in conjunction with Article 4(4) TFEU, confirms the parallel nature of the competence concerned and allows Member States to become Parties to the Convention alongside the Union, should they wish to do so.

The proposed initiative is also consistent with the principle of subsidiarity, as set out in Article 5(3) TEU, as its objective is a consistent step towards the broader goal of the Union and Member States to set up a mechanism that decides on claims on compensation of damage, loss, or injury caused by internationally wrongful acts committed by the Russian Federation in or against Ukraine. The added value of action on Union-level further lies in the Union's capacity to coordinate a coherent and unified position at international level, reinforce the Union's political and legal commitment to accountability, and ensure consistency with its broader external action and support to Ukraine.

- **Proportionality**

The proposal is consistent with the proportionality principle set out in Article 5(4) TEU as the objectives stated above can only be achieved with the Union's signature of the Convention Establishing an International Claims Commission for Ukraine.

- **Choice of the instrument**

The signature of the Convention by the Commission, on behalf of the Union, requires a proposal for a Council decision in accordance with Article 218(5) TFEU, under which the Council may authorise the signature of an international agreement.

#### **4. BUDGETARY IMPLICATION**

In accordance with international law, the Russian Federation should bear the costs of the work of the Claims Commission. At least until the Russian Federation becomes a Member of the

Commission, the Draft Convention provides that the Claims Commission should be financed through annual contributions from its Members and voluntary contributions, without prejudice to the possibility of recovering the related costs from the Russian Federation.

In this light, the Union's subsequent participation as a Member in the Convention Establishing an International Claims Commission will require the payment of an annual contribution. However, while it remains unpredictable when the draft Convention will enter into force, whether in 2026 or 2027, the Claims Commission's full annual budget is not expected to run before 2028. As indicated in the Council Decision authorising the Commission to participate in the negotiations on the Claims Commission, the Union's annual contribution to the Claims Commission is expected to reach EUR 3 million during peak operational years.

In the meantime, the Union will continue to provide its annual mandatory contribution to the Register of Damage in 2026 and 2027 through Regulation (EU) 2024/792 establishing the Ukraine Facility. The limited initial costs associated with the transition from the Register to the Claims Commission, notably those related to the meetings of the Preparatory Committee and initial sessions of the Assembly of the Claims Commission, are estimated at approximately EUR 500 000 in total for 2026-2027, to be shared among at least 25 founding members. Regulation (EU) 2024/792 also provides the legal basis for such Union contribution until 2027.

Further details on this proposal's financial impact may be found in the legislative financial statement annexed to this proposal.

## **5. OPTIONAL ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Convention provides for the establishment of a Financial Committee that, pursuant to Article 8 of the Draft Convention (Annex I), is tasked with determining the annual contribution of Members and provide advice to the Secretariat in the preparation of the budget of the Claims Commission. In parallel, monitoring activities have been assigned to the Assembly, composed of all Members of the Commission, which shall adopt the annual financial report and activity report of the Claims Commission (Article 7 of the Draft Convention). Similarly, the Council, composed of a minimum of nine and a maximum of fifteen Members on a three-year-rotational basis, is required to provide reports to the Assembly twice a year. Such reports should include the number of claims considered by the Council and the total amount of compensation awarded in each category, as well as a summary of any other significant factual or legal matters relevant to the work of the Claims Commission (Article 10(8) of the Draft Convention).

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 concerns the signature of the Convention Establishing an International Claims Commission for Ukraine on behalf of the Union.

Article 2 provides for the date on which the decision will enter into force.



- **Signing and the text of the Convention**

The text of the draft Convention is submitted to the Council together with this proposal.

In accordance with the Treaties, it is for the Commission to ensure the signing of the Convention, subject to its conclusion at a later stage.

2025/0355 (NLE)

Proposal for a

## **COUNCIL DECISION**

### **on the signing of the Convention Establishing the International Claims Commission for Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Following the inception of the unprovoked and unjustified war of aggression waged by the Russian Federation against Ukraine, in its Conclusions of 24 February 2022<sup>8</sup>, the European Council condemned in the strongest possible terms the Russian Federation's military aggression against Ukraine and affirmed that Russia bears full responsibility for this act of aggression and all the destruction and loss of life it will cause, and will be held accountable for its actions.
- (2) On 14 November 2022, the United Nations General Assembly adopted Resolution A/RES/ES-11/5<sup>9</sup> in which it recognised that the Russian Federation must be held to account for any violations of international law in or against Ukraine. In addition, it recognised that the Russian Federation must bear the legal consequences of all its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts<sup>10</sup>.
- (3) Against this background, the United Nations General Assembly recognised the need to establish, in cooperation with Ukraine, an international mechanism for reparation for damage, loss or injury, arising from the internationally wrongful acts of the Russian Federation in or against Ukraine<sup>11</sup>. To this end, it recommended the creation of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damage, loss or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally

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<sup>8</sup> European Council conclusions on Russia's unprovoked and unjustified military aggression against Ukraine, EUCO 18/22, 24 February 2022.

<sup>9</sup> UN Doc A/RES/ES-11/5.

<sup>10</sup> Ibid. para. 2.

<sup>11</sup> Ibid. para. 3.

wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and coordinate evidence-gathering<sup>12</sup>.

- (4) On 12 May 2023, the Committee of Ministers of the Council of Europe adopted Resolution CM/Res(2023)<sup>13</sup> establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.
- (5) As reflected in Resolution CM/Res(2023), the establishment of a register of damage constitutes a first step in the setting up of an international compensation mechanism, which may include a Claims Commission and a Compensation Fund. Accordingly, the Resolution acknowledges that the Register of Damage, including its digital platform with all data about claims and evidence recorded therein, is intended to constitute an integral part of the compensation mechanism to be established by a separate international instrument in cooperation with Ukraine and relevant international organisations and bodies.
- (6) Having joined the Register of Damage as a founding Associate Member on 11 May 2023, the Union changed its status to full Participant on 22 July 2024.
- (7) On 29 February 2024, the European Parliament and the Council adopted Regulation (EU) 2024/792 establishing the Ukraine Facility<sup>14</sup>, which provides for funding for initiatives and bodies involved in supporting and enforcing international justice in Ukraine. This includes, among others, the Union's financial contribution to the Register of Damage, which is financed under the Ukraine Facility.
- (8) In 2024, the Office of the President of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Foreign Affairs of the Kingdom of the Netherlands and the Register of Damage for Ukraine invited the States that supported the adoption of United Nations General Assembly Resolution A/RES/ES-11/5 to preparatory meetings on an International Instrument to establish a Claims Commission for Ukraine in The Hague.
- (9) On 17 March 2025, the Council authorised the Commission to take part, on behalf of the Union, in the negotiations for an international instrument setting up an International Claims Commission for Ukraine<sup>15</sup>.
- (10) Between March and September 2025, around 55 delegations, including the European Union and all Member States, participated in four negotiation rounds in The Hague. The first three rounds were held in the framework of the Intergovernmental Negotiation Committee on an International Treaty to Establish a Claims Commission for Ukraine (the "INC"), which exchanged views on the draft treaty, concluded several readings of the text, and produced subsequent revised versions thereof.
- (11) During the third negotiation round in July 2025, the INC decided to develop the International Instrument to establish a Claims Commission for Ukraine as a Council

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<sup>12</sup> Ibid. para. 4.

<sup>13</sup> Resolution CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.

<sup>14</sup> Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility (OJ L, 2024/792, 29.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/792/oj>).

<sup>15</sup> Council Decision (EU) 2025/702 of 17 March 2025 authorising the European Commission to take part, on behalf of the Union, in the negotiations for an international instrument setting up an International Claims Commission for Ukraine (OJ L, 2025/702, 8.4.2025, ELI: <http://data.europa.eu/eli/dec/2025/702/oj>).

of Europe Convention ('draft Convention') open also to State Parties non-members of the Council of Europe and the European Union. Therefore, the fourth round of negotiations was held in the framework of the first meeting of the Ad hoc Committee on the Establishment of an International Claims Commission for Ukraine (CAHEC) under the auspices of the Council of Europe. The work of the INC was subsequently transferred to, and continued within, the framework of the CAHEC, which further examined and provisionally approved the draft Convention as well as the Rules of Procedure for the Diplomatic Conference for the adoption of the draft Convention, the draft Resolution laying down necessary arrangements for the commencement of the functions of the Claims Commission and the fulfilment of its mandate and the draft Final Act for adoption at a Diplomatic Conference to be held in The Hague on 16 December 2025. The Final Act will include the Convention, the Resolution, and the meeting report of the Diplomatic Conference as annexes.

- (12) On 22 October 2025, the Committee of Ministers of the Council of Europe provisionally adopted the draft Convention in view of its adoption and opening for signature on the occasion of the diplomatic conference referred to in recital (11).
- (13) The draft Convention considers the International Claims Commission for Ukraine to constitute the second component of the international compensation mechanism, succeeding the Register of Damage for Ukraine, whose work will be transferred to the Claims Commission as soon as possible after its establishment. The draft Convention also recognises that the International Claims Commission for Ukraine may also include, as the third component, a future compensation fund mandated to pay compensation for damage, loss, or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine.
- (14) Based on Article 30 of the draft Convention, the Convention is open for signature by all member States of the Council of Europe, the European Union and any other States that participated in the diplomatic conference referred to in recital (11), and any other States that voted in favour of United Nations General Assembly resolution A/RES/ES-11/5 of 14 November 2022.
- (15) The Union is firmly committed to ensure that the Russian Federation bears the legal consequences of its internationally wrongful acts against Ukraine, including the obligation to make reparation for any damage, loss and injury caused by those acts. It is therefore appropriate for the Union to sign the Convention Establishing the International Claims Commission for Ukraine as well as the Final Act of the Diplomatic Conference.
- (16) Therefore, the Convention as well as the Final Act should be signed on behalf of the Union,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The signing of the Convention Establishing an International Claims Commission for Ukraine and the Final Act on behalf of the Union is hereby authorised, subject to the conclusion of that Convention<sup>16</sup>.

#### *Article 2*

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<sup>16</sup> The Convention will be published together with the decision on its conclusion.

This Decision shall enter into force on [the day following the date of its publication in the Official Journal].

Done at Brussels,

*For the Council*  
*The President*

# **LEGISLATIVE FINANCIAL AND DIGITAL STATEMENT**

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## 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

### 1.1. Title of the proposal/initiative

Proposal for a Council Decision to sign the Convention Establishing an International Claims Commission for Ukraine.

### 1.2. Policy area(s) concerned

Justice

Financial and technical assistance to third countries

### 1.3. Objective(s)

#### 1.3.1. General objective(s)

The International Claims Commission for Ukraine will be an independent administrative body with international legal personality within the institutional framework of the Council of Europe. The Claims Commission constitutes the second component of the international compensation mechanism. The functions of the Register of Damage shall continue as part of the Claims Commission, which becomes the Register's legal successor, receiving its digital platform, data, and archives. The Claims Commission will provide the necessary assistance to Ukraine to ensure that the Russian Federation bears the legal consequences of its internationally wrongful acts against Ukraine including the obligation to make reparation for any damage, loss or injury caused by those acts.

#### 1.3.2. Specific objective(s)

##### Specific objectives

(1) To sign the Convention on the International Claims Commission with the intent of the Union's subsequent participation therein.

(2) To give the means to the International Claims Commission to review, assess and decide eligible claims recorded in the Register of Damage and determine the amount of compensation due in each case.

(3) Once the Convention enters into force and once the Claims Commission becomes operational as expected for 2028, the Union will pay an annual financial contribution ranging between EUR 1 million and EUR 3 million during peak operational years, depending on the overall workload and the number of claims submitted, for the Claims Commission's lifespan estimated at a minimum of 10 years according to Article 36(1) of the Draft Convention Establishing an International Claims Commission for Ukraine.

(4) The limited initial costs associated with the transition from the Register to the Claims Commission in 2026 and 2027, notably those related to the meetings of the Preparatory Committee and initial sessions of the Assembly of the Claims Commission, are estimated at approximately EUR 500 000 in total for 2026-2027 to be shared among at least 25 founding members. The Union would provide these extra costs through its annual mandatory contribution to the Register via Regulation (EU) 2024/792 establishing the Ukraine Facility. While the exact amount to be paid by the Union will be assessed at a later stage in accordance with the Council of Europe scale of assessment and depending on the number of states who will have

joined the Convention, it can be for now anticipated that these additional costs will not exceed, at a maximum, EUR 100 000 for 2026-2027.

**1.3.3. Expected result(s) and impact**

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The International Claims Commission will work as a fact-finding body to review, assess and decide eligible claims and determine the amount of compensation due in each case. It will ensure that the Russian Federation bears the legal consequences of its internationally wrongful acts against Ukraine including the obligation to make reparation for any damage, loss or injury caused by those acts.

**1.3.4. Indicators of performance**

*Specify the indicators for monitoring progress and achievements.*

The setting up of the International Claims Commission.

**1.4. The proposal/initiative relates to:**

- ☒ a new action
- ☐ a new action following a pilot project / preparatory action<sup>1</sup>
- ☐ the extension of an existing action
- ☐ a merger or redirection of one or more actions towards another/a new action

**1.5. Grounds for the proposal/initiative**

**1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative**

In the short term, it is required to obtain the Council's authorisation for the Union to sign the Convention establishing the International Claims Commission at the Diplomatic Conference on 16 December 2025. In the long term, following signature of the Convention, it is in the Union's interest to become a founding Member to the Convention by concluding the Convention. The Convention enters into force once certain requirements on the number of ratifications and financial safeguards have been met. In order to facilitate the operations of the Claims Commission, the Union will pay mandatory contributions to its general budget so that it can fulfil its mandate to review, assess and decide eligible claims recorded in the Register of Damage and determine the amount of compensation due in each case.

**1.5.2. Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.**

**Reasons for action at EU level (ex-ante)**

The Union has consistently reiterated its commitment to ensuring that the Russian Federation bears the legal consequences of its internationally wrongful acts, including the obligation to make full reparation for the injury and damage resulting from its war of aggression against Ukraine. This position is in line with United Nations General Assembly Resolution ES-11/5 of 14 November 2022 entitled

<sup>1</sup> As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

“Furtherance of remedy and reparation for aggression against Ukraine”, which recognised the need to establish an international mechanism for reparation for damage, loss or injury arising from the Russian Federation’s acts of aggression.

In response to that Resolution, on 12 May 2023, the Committee of Ministers of the Council of Europe adopted the Resolution establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine. States agreed to pursue a stepwise approach, beginning with the creation of the Register as the first component of a future international compensation mechanism, to be followed by the establishment of a claims commission and, at a later stage, a compensation fund. The Statute of the Register explicitly provides that it constitutes the first element of this broader mechanism, to be completed through a separate international instrument to be developed in cooperation with Ukraine and relevant international organisations and bodies.

The Union joined the Register of Damage as a founding Associate Member on 11 May 2023 through a Commission Decision and, following the Council Decision of 22 July 2024, became a Participant. This participation enables the Union to support Ukraine in seeking justice and reparation, and to contribute to the strengthening of the rules-based international order, while also ensuring coherence between the Union’s actions and those of its Member States.

Following the Council Decision of 17 March 2025, which authorised the Commission to negotiate, on behalf of the Union, the draft Convention establishing the International Claims Commission, the present proposal seeks the Council’s authorisation for the Commission to sign the Convention on behalf of the Union, pursuant to Articles 212 and 218(5) TFEU.

Expected generated EU added value (ex-post)

Once the Convention enters into force and the Claims Commission becomes operational, the Union’s participation as a Member will contribute to ensuring that the Russian Federation bears the legal consequences of its internationally wrongful acts, in accordance with international law. The Union’s involvement will promote consistency between the actions of the Union and those of its Member States and reinforce the Union’s role in advancing accountability and reparation for Ukraine. The Union as a Member will also support the Claims Commission by contributing to its financing and thereby helping to ensure its financial stability.

### *1.5.3. Lessons learned from similar experiences in the past*

The establishment of the International Claims Commission draws on lessons learned from previous mechanisms established to address large-scale violations of international law. The most relevant precedent is the United Nations Compensation Commission (UNCC), which operated from 1991 to 2022 to adjudicate claims arising from Iraq’s invasion of Kuwait. While the UNCC’s adjudicative activities lasted approximately twelve years, the institution itself remained in existence for over three decades. Building on this experience, and taking into account the groundwork laid by the Register of Damage as well as significant technological and procedural advances achieved in recent decades, the International Claims Commission is expected to have a shorter operational duration, currently estimated for ten years.

The Union did not participate in the UNCC. However, the envisaged participation of the Union in both the International Claims Commission and the Special Tribunal for

the Crime of Aggression against Ukraine reflects a broader and structured approach to ensuring accountability and reparation for internationally wrongful acts committed by the Russian Federation.

*1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments*

The Union's unwavering support to Ukraine reflects a shared commitment to democratic principles and the safeguarding of the rule-based international order and peace in Europe. The present proposal is therefore consistent with other Union policies that aim to support Ukraine and safeguard the international order and peace in Europe, notably in the context of the current Russia's war of aggression against Ukraine.

*1.5.5. Assessment of the different available financing options, including scope for redeployment*

Article 34(3) of Regulation (EU) 2024/792 establishing the Ukraine Facility refers to the possibility of providing technical assistance under Pillar III aimed at addressing "pre- and post-crisis needs, including through, confidence-building measures and processes that promote justice, truth-seeking, comprehensive post-conflict rehabilitation for an inclusive, peaceful society ... Funding for initiatives and bodies involved in supporting and enforcing international justice in Ukraine may be provided under this Chapter." The Union has been paying its annual financial contribution to the Register of Damage via the Ukraine Facility, which will be also used to cover the limited initial costs associated with the transition from the Register to the Claims Commission, notably those related to the meetings of the Preparatory Committee and initial sessions of the Assembly of the Claims Commission. Those costs are estimated at approximately EUR 500 000 in total for 2026-2027, to be shared among at least 25 founding members.

As indicated in the Council Decision authorising the Commission to participate in the negotiations on the Claims Commission, the Union's annual contribution to the Claims Commission is expected to reach EUR 3 million during peak operational years. These costs will likely become effective as of 2028 once the Claims Commission is operational. The Union's mandatory contribution as of 2028 will range between EUR 1 – 3 million. The Union's mandatory contribution is calculated at approximately EUR 1 million for 2028 and will in subsequent years increase progressively to a sum of annual EUR 3 million in peak years, which may be expected in year 5 and 6 of the Claims Commission's operations. According to Article 36(1) of the Convention Establishing an International Claims Commission for Ukraine, the lifespan of the Claims Commission is estimated at 10 years.

1.6. Duration of the proposal/initiative and of its financial impact
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☐ **limited duration**

- ☐ in effect from 2026 to 2035.
- ☐ financial impact from 2028 to 2038<sup>2</sup> for commitment appropriations and from 2028 to 2038 for payment appropriations.

☐ **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

**1.7. Method(s) of budget implementation planned**

☐ **Direct management** by the Commission

- ☐ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated
- ☐ international organisations and their agencies (to be specified)
- ☐ the European Investment Bank and the European Investment Fund
- ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation
- ☐ public law bodies
- ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees
- ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act
- ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

Comments

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<sup>2</sup> According to Article 36(1) of the Convention Establishing an International Claims Commission for Ukraine, the lifetime of the International Claims Commission is currently estimated at 10 years.

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

The Commission on a regular basis, and whenever requested by the Council or the European Parliament, shall report on the advancement of the work of the International Claims Commission.

The Convention provides for the establishment of a Financial Committee that, pursuant to Article 8 of the Draft Convention (Annex I), is tasked with determining the annual contribution of Members and provide advice to the Secretariat in the preparation of the budget of the Claims Commission. In parallel, monitoring activities have been assigned to the Assembly, composed of all Members of the Commission, which shall adopt the annual financial report and activity report of the Claims Commission (Article 7 of the Draft Convention). Similarly, the Council, composed of a minimum of nine and a maximum of fifteen Members on a three-year-rotational basis, is required to provide reports to the Assembly twice a year. Such reports should include the number of claims considered by the Council and the total amount of compensation awarded in each category, as well as a summary of any other significant factual or legal matters relevant to the work of the Claims Commission (Article 10(8) of the Draft Convention).

### **2.2. Management and control system(s)**

#### *2.2.1. Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

With regard to the method of implementation, Article 245 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ( 6 ), which enables the Union to pay membership fees to bodies of which the Union is a member, is applicable to the Union's contribution to the Claims Commission.

#### *2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them*

No specific risks have been identified at this stage.

#### *2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)*

Following the Commission central services' guidance, the cost of the controls at Commission level is assessed by the cost of the different control stages. The overall assessment for each management mode is obtained from the ratio between all those costs and the total amount paid in the year for the related management mode.

### **2.3. Measures to prevent fraud and irregularities**

Standards rules on funding management shall apply.



### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>19</sup>	from EFTA countries <sup>20</sup>	from candidate countries and potential candidates <sup>21</sup>	From other third countries	other assigned revenue
0	16.06.03.01	Diff.	NO	NO	NO	NO

- New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
3	[Budget line for Global Europe] <sup>22</sup>	Diff.	NO	NO	NO	NO

<sup>19</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>20</sup> EFTA: European Free Trade Association.

<sup>21</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

<sup>22</sup> The use of this budget line and the estimated budget appropriations are subject to the adoption of the next MFF Regulation and Global Europe Regulation and to the availability of the appropriations to be provided for in the general budget of the Union for the years concerned.

### 3.2. Estimated financial impact of the proposal on appropriations

#### 3.2.1. Summary of estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☐ The proposal/initiative requires the use of operational appropriations, as explained below

##### 3.2.1.1. Appropriations from voted budget

All the amounts from 2028 onwards are purely indicative and subject to the outcome of the ongoing negotiations on the next Multiannual Financial Framework. They do not prejudice the outcome of these negotiations.

EUR million (to three decimal places)

Heading of multiannual financial framework - 2021-2027		0	Expenditure outside the annual ceilings set out in the Multiannual Financial Framework				
DG: European Neighbourhood Policy and Enlargement Negotiations	Operational appropriations		Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
16.06.03.01	Commitments	(1a)	0.000	0.000	50,000	50,000	100,000
	Payments	(2a)	0.000	0.000	50,000	50,000	100,000
Appropriations of an administrative nature financed from the envelope of specific programmes							
Budget line		(3)	0	0	0	0	0.000
TOTAL appropriations for DG European Neighbourhood Policy and Enlargement Negotiations	Commitments	= 1a+1b+3	0.000	0.000	50,000	50,000	100,000
	Payments	= 2a+2b+3	0.000	0.000	50,000	50,000	100,000
TOTAL operational appropriations		(4)	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
			0.000	0.000	50,000	50,000	100,000
TOTAL	operational appropriations	(5)	0.000	0.000	50,000	50,000	100,000
			0.000	0.000	50,000	50,000	100,000

TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	0.000	0.000
<b>TOTAL appropriations under HEADING &lt;0&gt;</b>		Commitments	=4+6	0.000	0.000	50,000	50,000	100,000
		Payments	=5+6	0.000	0.000	50,000	50,000	100,000

<b>Heading of multiannual financial framework – 2028-2034</b>	3 <sup>23</sup>	Global Europe
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DG: European Neighbourhood Policy and Enlargement Negotiations		Year	2028	Year	2029	Year	2030	Year	2031	Year	2032	Year	2033	Year	TOTAL MFF 2028-2034
Operational appropriations	Commitments	(1a)	1,000,000	2,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	18,000,000
	Payments	(2a)	1,000,000	2,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	18,000,000
Appropriations of an administrative nature financed from the envelope of specific programmes															
Budget line		(3)	0	0	0	0	0	0	0	0	0	0	0	0	0.000
<b>TOTAL appropriations</b>	Commitments	=1a+1b+3	<b>1,000,000</b>	<b>2,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>18,000,000</b>

<sup>23</sup> The use of this budget line and the estimated budget appropriations are subject to the adoption of the next MFF Regulation and Global Europe Regulation and to the availability of the appropriations to be provided for in the general budget of the Union for the years concerned



<b>TOTAL DG</b> <.....>	Appropriations	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
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DG: <.....>	Year 2024	Year 2025	Year 2026	Year 2027	<b>TOTAL MFF 2021-2027</b>
• Human resources	0.000	0.000	0.000	0.000	0.000
• Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
<b>TOTAL DG</b> <.....>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
Appropriations					

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
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EUR million (to three decimal places)

	Year 2024	Year 2025	Year 2026	Year 2027	<b>TOTAL MFF 2021-2027</b>
<b>TOTAL appropriations under HEADINGS 1 to 7</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
of the multiannual financial framework	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

### 3.2.1.2. Appropriations from external assigned revenues

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	<b>Number</b>
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DG: <.....>	Year 2024	Year 2025	Year 2026	Year 2027	<b>TOTAL MFF 2021-2027</b>
Operational appropriations					
Budget line	Commitments	(1a)			<b>0.000</b>







			2024	2025	2026	2027	2021-2027
TOTAL operational appropriations	Commitments	(4)	0.000	0.000	0.000	0.000	0.000
	Payments	(5)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under HEADING <...>	Commitments	=4+6	0.000	0.000	0.000	0.000	0.000
	Payments	=5+6	0.000	0.000	0.000	0.000	0.000
				Year 2024	Year 2025	Year 2026	Year 2027
• TOTAL operational appropriations (all operational headings)	Commitments	(4)	0.000	0.000	0.000	0.000	TOTAL MFF 2021-2027
	Payments	(5)	0.000	0.000	0.000	0.000	0.000
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)	0.000	0.000	0.000	0.000	0.000
TOTAL appropriations under Headings 1 to 6 of the multiannual financial framework (Reference amount)	Commitments	=4+6	0.000	0.000	0.000	0.000	0.000
	Payments	=5+6	0.000	0.000	0.000	0.000	0.000

Heading of multiannual financial framework	7	‘Administrative expenditure’
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If you report the use of appropriations under Heading 7, completing Annex 5 is a compulsory requirement)

EUR million (to three decimal places)

DG: <.....>	Year	Year	Year	Year	TOTAL
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	2024	2025	2026	2027	MFF 2021-2027
• Human resources	0.000	0.000	0.000	0.000	0.000
• Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
<b>TOTAL DG &lt;.....&gt;</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

DG: <.....>	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
• Human resources	0.000	0.000	0.000	0.000	0.000
• Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
<b>TOTAL DG &lt;.....&gt;</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)	0.000	0.000	0.000	0.000
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EUR million (to three decimal places)

	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021-2027
<b>TOTAL appropriations under HEADINGS 1 to 7</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
of the multiannual financial framework	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

### 3.2.2. Estimated output funded from operational appropriations (not to be completed for decentralised agencies)

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs	Year 2024	Year 2025	Year 2026	Year 2027	Enter as many years as necessary to show the duration of the impact (see Section 1.6)	TOTAL
	OUTPUTS					

↓	Type <sup>25</sup>	Average cost	°N	Cost	°N	Cost	°N	Cost	°N	Cost	°N	Cost	°N	Cost	°N	Total cost	Total No
SPECIFIC OBJECTIVE No 1 <sup>26</sup> ...																	
- Output																	
- Output																	
- Output																	
Subtotal for specific objective No 1																	
SPECIFIC OBJECTIVE No 2 ...																	
- Output																	
Subtotal for specific objective No 2																	
<b>TOTALS</b>																	

<sup>25</sup> Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built, etc.).  
<sup>26</sup> As described in Section 1.3.2. 'Specific objective(s)'

### 3.2.3. Summary of estimated impact on administrative appropriations

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

#### 3.2.3.1. Appropriations from voted budget

VOTED APPROPRIATIONS	Year	Year	Year	Year	TOTAL 2021 - 2027
	2024	2025	2026	2027	
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

#### 3.2.3.2. Appropriations from external assigned revenues

EXTERNAL ASSIGNED REVENUES	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL 2021 - 2027
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
Subtotal outside HEADING 7	0.000	0.000	0.000	0.000	0.000
TOTAL	0.000	0.000	0.000	0.000	0.000

#### 3.2.3.3. Total appropriations

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year  2024	Year  2025	Year  2026	Year  2027	TOTAL 2021 - 2027
HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000
Subtotal HEADING 7	0.000	0.000	0.000	0.000	0.000
Outside HEADING 7					
Human resources	0.000	0.000	0.000	0.000	0.000

Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000
<b>Subtotal outside HEADING 7</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>TOTAL</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together, if necessary, with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

#### 3.2.4. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources
- ☐ The proposal/initiative requires the use of human resources, as explained below

##### 3.2.4.1. Financed from voted budget

*Estimate to be expressed in full-time equivalent units (FTEs)*

VOTED APPROPRIATIONS		Year 2024	Year 2025	Year 2026	Year 2027
<b>• Establishment plan posts (officials and temporary staff)</b>					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0
<b>• External staff (in FTEs)</b>					
20 02 01 (AC, END from the 'global envelope')		0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0	0
	- in EU Delegations	0	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0	0
Other budget lines (specify) - Heading 7		0	0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

##### 3.2.4.2. Financed from external assigned revenues

EXTERNAL ASSIGNED REVENUES		Year 2024	Year 2025	Year 2026	Year 2027
<b>• Establishment plan posts (officials and temporary staff)</b>					
20 01 02 01 (Headquarters and Commission's Representation Offices)		0	0	0	0
20 01 02 03 (EU Delegations)		0	0	0	0
01 01 01 01 (Indirect research)		0	0	0	0
01 01 01 11 (Direct research)		0	0	0	0
Other budget lines (specify)		0	0	0	0



• External staff (in full time equivalent units)				
20 02 01 (AC, END from the 'global envelope')		0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0
	- in EU Delegations	0	0	0
01 01 01 02 (AC, END - Indirect research)		0	0	0
01 01 01 12 (AC, END - Direct research)		0	0	0
Other budget lines (specify) - Heading 7		0	0	0
Other budget lines (specify) - Outside Heading 7		0	0	0
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>

### 3.2.4.3. Total requirements of human resources

TOTAL VOTED APPROPRIATIONS + EXTERNAL ASSIGNED REVENUES	Year 2024	Year 2025	Year 2026	Year 2027
• Establishment plan posts (officials and temporary staff)				
20 01 02 01 (Headquarters and Commission's Representation Offices)	0	0	0	0
20 01 02 03 (EU Delegations)	0	0	0	0
01 01 01 01 (Indirect research)	0	0	0	0
01 01 01 11 (Direct research)	0	0	0	0
Other budget lines (specify)	0	0	0	0
• External staff (in full time equivalent units)				
20 02 01 (AC, END from the 'global envelope')	0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)	0	0	0	0
Admin. Support line [XX.01.YY.YY]	- at Headquarters	0	0	0
	- in EU Delegations	0	0	0
01 01 01 02 (AC, END - Indirect research)	0	0	0	0
01 01 01 12 (AC, END - Direct research)	0	0	0	0
Other budget lines (specify) - Heading 7	0	0	0	0
Other budget lines (specify) - Outside Heading 7	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

For the purpose of estimating workload and staff needs, you may use the guidance on workload assessment prepared by DG HR)

[Considering the overall strained situation in Heading 7, in terms of both staffing and the level of appropriations, the human resources required will be met by staff from the DG who are already assigned to the management of the action and/or have been redeployed within the DG or other Commission services.]

Please note that such exception needs to be agreed with central services before the launch of the ISC)

The staff required to implement the proposal (in FTEs):

	<b>To be covered by current staff available in the</b>	<b>Exceptional additional staff*</b>
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	Commission services			
		To be financed under Heading 7 or Research	To be financed from BA line	To be financed from fees
Establishment plan posts			N/A	
External staff (CA, SNEs, INT)				

\*

Description of tasks to be carried out by:

Officials and temporary staff	
External staff	

### 3.2.5. Overview of estimated impact on digital technology-related investments

Compulsory: the best estimate of the digital technology-related investments entailed by the proposal/initiative should be included in the table below.

Exceptionally, when required for the implementation of the proposal/initiative, the appropriations under Heading 7 should be presented in the designated line.

The appropriations under Headings 1-6 should be reflected as “Policy IT expenditure on operational programmes”. This expenditure refers to the operational budget to be used to re-use/ buy/ develop IT platforms/ tools directly linked to the implementation of the initiative and their associated investments (e.g. licences, studies, data storage etc). The information provided in this table should be consistent with details presented under Section 4 “Digital dimensions”.

TOTAL Digital and IT appropriations	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL MFF 2021 - 2027
<b>HEADING 7</b>					
IT expenditure (corporate)	0.000	0.000	0.000	0.000	0.000
<b>Subtotal HEADING 7</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>Outside HEADING 7</b>					
Policy IT expenditure on operational programmes	0.000	0.000	0.000	0.000	0.000
<b>Subtotal outside HEADING 7</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>TOTAL</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

### 3.2.6. Compatibility with the current multiannual financial framework

The proposal/initiative:

- ☐ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF)
- ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation
- ☐ requires a revision of the MFF

### 3.2.7. *Third-party contributions*

The proposal/initiative:

- ☐ does not provide for co-financing by third parties
- ☐ provides for the co-financing by third parties estimated below:

### 3.3. Estimated impact on revenue

- ☐ The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on other revenue
  - ☐ please indicate, if the revenue is assigned to expenditure lines

## 4. DIGITAL DIMENSIONS

### 4.1. Requirements of digital relevance

Not applicable.

### 4.2. Data

Not applicable.

### 4.3. Digital solutions

Not applicable.

### 4.4. *Interoperability assessment*

Not applicable.

### 4.5. Measures to support digital implementation

Not applicable.



EUROPEAN  
COMMISSION

Brussels, 12.11.2025  
COM(2025) 701 final

ANNEX 1

## **ANNEX**

**to the Proposal for a**

**Council Decision**

**on the signing of the Convention Establishing the International Claims Commission for  
Ukraine**

## ANNEX [1]

### **CONVENTION ESTABLISHING AN INTERNATIONAL CLAIMS COMMISSION FOR UKRAINE**

[The Hague, 16.XII.2025].

#### **Preamble**

[List of States and the European Union],

Recalling the obligations of all States under Article 2 of the Charter of the United Nations, including the obligation to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means;

Expressing grave concern at the loss of life, civilian displacement, catastrophic destruction of infrastructure and natural resources, loss of public and private property, and economic calamity caused by the Russian Federation's aggression against Ukraine;

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice, and respect for human rights, and of developing friendly relations among nations irrespective of their political, economic, and social systems or the levels of their development;

Recalling United Nations General Assembly Resolution ES-11/1 of 2 March 2022, entitled "Aggression against Ukraine", in which the General Assembly deplored in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2(4) of the Charter of the United Nations;

Recalling the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts and the obligation of the responsible State to make full reparation for the injury caused by the internationally wrongful act;

Recalling United Nations General Assembly Resolution 60/147 of 16 December 2005, in which the General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;

Recalling United Nations General Assembly Resolution ES-11/5 of 14 November 2022, entitled "Furtherance of remedy and reparation for aggression against Ukraine", in which the General Assembly recognised that the Russian Federation must be held to account for any violations of international law in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations of international humanitarian law and international human rights law;

Recalling that in Resolution ES-11/5, the General Assembly further recognised that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts;

Recalling that the General Assembly further recognised the need for the establishment, in cooperation with Ukraine, of an international mechanism for reparation for damage, loss, or injury, and arising from the internationally wrongful acts of the Russian Federation in or against Ukraine;

Recalling that the General Assembly recommended the creation by member States, in cooperation with Ukraine, of an international register of damage to serve as a record, in documentary form, of evidence and claims information on damage, loss, or injury to all natural and legal persons concerned, as well as the State of Ukraine, caused by internationally wrongful acts of the Russian Federation in or against Ukraine, as well as to promote and coordinate evidence-gathering;

Welcoming the creation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine through Resolution [CM/Res\(2023\)3](#) of the Committee of Ministers of the Council of Europe of 12 May 2023 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine as confirmed by Resolution [CM/Res\(2025\)3](#) of the Committee of Ministers of the Council of Europe of 9 July 2025;

Noting also that the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine is operational and receives, processes, and records claims in accordance with its Statute;

Recalling the Statute of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, which stipulates that the work of the Register, including its digital platform with all data about claims and evidence recorded therein, is intended to constitute the first component of a future international compensation mechanism to be established by a separate international instrument in cooperation with Ukraine;

Noting that this Convention is such an international instrument and that it establishes the International Claims Commission for Ukraine, which constitutes the second component of the international compensation mechanism that may also include, as the third component, a future compensation fund mandated to pay compensation for damage, loss, or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine;

Noting that whilst this Convention addresses internationally wrongful acts committed by the Russian Federation in or against Ukraine on or after 24 February 2022, this does not absolve the Russian Federation of any responsibility for its internationally wrongful acts committed in or against Ukraine on or after 20 February 2014, nor does it preclude the possibility of a future amendment to this Convention to allow its temporal scope to be extended to 20 February 2014;

Committing to implement the provisions of this Convention in conformity with international law,

Have agreed this Council of Europe Open Convention as follows:

## PART I – USE OF TERMS

### Article 1 – Definitions

For the purposes of this Convention:

- (a) “Assembly” shall mean the Assembly of the Members of the Commission established in accordance with Article 7 of this Convention;
- (b) “Claims” within the meaning of Article 3 of this Convention shall mean claims submitted to the Register of Damage Caused by the Aggression of the Russian

Federation against Ukraine in accordance with its rules and, after the transfer of the work of the Register to the Commission under Part VII of this Convention, the claims submitted in accordance with the rules and procedures referred to in Article 25 of this Convention;

- (c) “Commission” shall mean the International Claims Commission for Ukraine established by this Convention;
- (d) “Commissioner” shall mean an individual elected as a member of a Panel in accordance with Article 11 of this Convention;
- (e) “Council” shall mean the Council of the Commission established in accordance with Article 10 of this Convention;
- (f) “Executive Director” shall mean the Executive Director of the Commission appointed in accordance with Article 14 of this Convention;
- (g) “Financial Committee” shall mean the Financial Committee of the Commission established in accordance with Article 8 of this Convention;
- (h) “Major Contributor” shall mean any Member which, in any financial year, contributes the highest level of obligatory contributions to the budget of the Commission based on the criteria set out in Resolution (94) 31 of the Committee of Ministers of the Council of Europe of 4 November 1994;
- (i) “Member” shall mean any State or Regional Integration Organisation that has become a Member of the Commission by becoming a Party to this Convention in accordance with Articles 28, 30, or 31 of this Convention;
- (j) “Observer” shall mean any State, Regional Integration Organisation, or international organisation that has become an Observer of the Commission in accordance with Article 27(2) of this Convention;
- (k) “Panel” shall mean a Panel of Commissioners established in accordance with Article 12 of this Convention;
- (l) “Regional Integration Organisation” shall mean an organisation constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention;
- (m) “Register of Damage Caused by the Aggression of the Russian Federation against Ukraine” or “Register” shall mean the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine established through Resolution [CM/Res\(2023\)3](#) of the Committee of Ministers of the Council of Europe of 12 May 2023, as confirmed by Resolution [CM/Res\(2025\)3](#) of the Committee of Ministers of the Council of Europe of 9 July 2025;
- (n) “Rules and Regulations” shall mean the rules and regulations governing the work of the Commission adopted by the Council in accordance with subparagraph 2(c) of Article 10 of this Convention and approved by the Assembly in accordance with subparagraph 4(c) of Article 7 of this Convention;
- (o) “Secretariat” shall mean the Secretariat of the Commission established in accordance with Article 13 of this Convention.



## PART II – ESTABLISHMENT, MANDATE, AND FUNCTIONS OF THE INTERNATIONAL CLAIMS COMMISSION FOR UKRAINE

### Article 2 – Establishment of the International Claims Commission for Ukraine

The International Claims Commission for Ukraine is hereby established as an independent body within the institutional framework of the Council of Europe.

### Article 3 – Mandate and Functions of the Commission

1. The Commission shall be an administrative body that decides Claims for compensation of damage, loss, or injury caused by internationally wrongful acts committed by the Russian Federation in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations by the Russian Federation of international humanitarian law and international human rights law:
  - (a) on or after 24 February 2022;
  - (b)
    - (i) in the territory of Ukraine within its internationally recognised borders, which includes its land, airspace, internal waters, and territorial sea;
    - (ii) in the exclusive economic zone of Ukraine and on its continental shelf, in accordance with international law and, as applicable, national legislation of Ukraine; or
    - (iii) to any aircraft or vessel under the jurisdiction of Ukraine; and
  - (c) to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities and state-owned or controlled entities.
2. For the purposes of this Convention, the mandate of the Commission under paragraph 1 above shall mean that the Commission shall review, assess, and decide Claims and determine any amount of compensation due in each case.
3. The Commission shall address all administrative, financial, procedural, factual, legal, and policy issues as required to decide Claims and determine any amount of compensation due in each case.
4. The Commission shall work on the basis that the Russian Federation, under international law, is responsible for all damage, loss, or injury caused by its internationally wrongful acts in or against Ukraine in accordance with paragraph 1 above.
5. The decisions of the Commission, including on amounts of compensation determined and awarded in accordance with this Convention, shall be final. Decisions on amounts of compensation shall be reflective of a fair and just assessment and determination of the value of a Claim.
6. Decisions of the Commission shall, so far as the operation of the Commission is concerned, be considered by all Members of the Commission as finally resolving all factual and legal questions with respect to a Claim.

## PART III – LEGAL STATUS AND SEAT

### Article 4 – Legal Personality

1. The Commission shall possess international legal personality.
2. Accordingly, the Commission shall enjoy such legal capacity as is necessary for the exercise of its functions, fulfilment of its mandate, and the protection of its interests, in particular the capacity to enter into agreements, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

### Article 5 – Seat

1. The Commission shall have its seat in the territory of one of the Parties to this Convention.
2. The status and operation of the Commission in the host State shall be regulated by a host State agreement concluded between the host State and the Commission.
3. The Commission shall have an office in Ukraine for the purpose of assisting the Assembly, the Council, and the Panels in their functions.
4. The Commission shall enter into arrangements and/or agreements with Ukraine that shall regulate the status and operation of the office of the Commission in Ukraine.
5. The Assembly may decide to establish offices of the Commission in any other State subject to the consent of such State.

### Article 6 – Privileges and Immunities

1. The Commission, including its office in Ukraine and any offices in other States, shall enjoy in the territory of each State that is a Member such privileges and immunities as are necessary for the exercise of its functions and the fulfilment of its mandate.
2. States that are Members shall, in their territory, apply the rules set out in the General Agreement on Privileges and Immunities of the Council of Europe with respect to the Commission, its offices, the Executive Director, other members of the Secretariat, and experts engaged by the Commission, in particular:
  - (a) Articles 3 to 7 of the General Agreement on Privileges and Immunities of the Council of Europe, with respect to the Commission, including its offices, property, and assets;
  - (b) Article 18 of the General Agreement on Privileges and Immunities of the Council of Europe, with respect to the Executive Director and other members of the Secretariat;

- (c) Article 18(a) and (e) of the General Agreement on Privileges and Immunities of the Council of Europe with respect to the experts engaged by the Commission.
3. States that are Members shall, in their territory, apply the same privileges and immunities as provided for under Article 16 of the General Agreement on Privileges and Immunities of the Council of Europe with respect to the Commissioners when engaged on the business of the Commission.
4. Representatives of Members in the organs of the Commission, the Commissioners, the Executive Director, other members of the Secretariat, and experts engaged by the Commission shall, in the territory of each State that is a Member, be accorded immunity from legal process of every kind in respect of words spoken or written and acts performed by them in their official capacity, and shall, after the expiry of their terms of office, continue to be accorded such immunity.
5. Any State that is a Member may, by means of a notification addressed to the Secretary General of the Council of Europe, declare that no immunity from legal process conferred on a person by means of paragraphs 2, 3, and 4 above shall apply in the case of an offence against the regulations on motor-vehicle traffic committed by such a person, or in a case of damage caused by a motor-vehicle belonging to or driven by such a person.
6. The privileges and immunities of:
- (a) the Commissioners may be waived by the Assembly;
  - (b) the Executive Director, other members of the Secretariat, and experts engaged by the Commission may be waived by the Secretary General of the Council of Europe.
7. The immunity under subparagraph 2(a) above may be waived by the Assembly. Such waiver of immunity shall not extend to any measure of execution in, or confiscation of, property of the Commission, including its digital platform and all data about Claims and evidence, for which a separate waiver by the Assembly shall be necessary.
8. In the event of denunciation by any Member or termination of this Convention, Members shall continue to grant the immunities referred to in this article.

## PART IV – ORGANISATIONAL STRUCTURE

### Article 7 – Assembly

1. The Assembly shall be composed of all Members of the Commission.
2. The Assembly shall meet at the seat of the Commission unless the Assembly decides otherwise. The first meeting of the Assembly shall be convened by the depositary of this Convention within one year after its entry into force.

3. The Assembly shall elect a Chair and two Vice Chairs for a period of three years. The Chair of the Assembly, or, in the absence of the Chair, one of the Vice Chairs, shall conduct the proceedings of the Assembly and perform other duties in accordance with the rules of procedure adopted by the Assembly.
4. The Assembly shall:
  - (a) have overall responsibility for the fulfilment of the mandate of the Commission and oversee the work of the bodies of the Commission;
  - (b) recommend to Members, the bodies of the Commission, as well as subsidiary organs as referred to in subparagraph (i) below, measures to advance the aims of the Commission;
  - (c) approve rules and regulations governing the work of the Commission adopted by the Council in accordance with subparagraph 2(c) of Article 10 of this Convention;
  - (d) elect members of the Council in accordance with Article 10 of this Convention;
  - (e) approve the roster of candidates to serve as Commissioners and update such a roster at least annually;
  - (f) at its first meeting, and subsequently as needed, elect the Executive Director of the Commission for appointment by the Secretary General of the Council of Europe;
  - (g) authorise the Executive Director to execute the transfer of the Register to the Commission pursuant to Articles 24 and 25 of this Convention at a time the Assembly deems appropriate, taking into consideration the consequences for the annual assessed contributions of Members;
  - (h) upon the recommendation of the Council, authorise the Council to establish Panels and appoint the required Commissioners at a time the Assembly deems appropriate, taking into consideration the consequences for the annual assessed contributions of Members;
  - (i) upon the recommendation of the Council and/or the Executive Director, establish any subsidiary organs necessary for the exercise of the functions of the Commission;
  - (j) adopt the annual scale of contributions;
  - (k) adopt the annual budget of the Commission;
  - (l) adopt the annual financial report of the Commission;
  - (m) adopt the annual activity report of the Commission; and
  - (n) perform any other function vested in it by this Convention and any other function necessary for the fulfilment of the mandate of the Commission that is not vested by this Convention in the Council, the Panels of Commissioners, the Executive Director, or the Secretariat. The Assembly may delegate some or all of these other functions to the Council.
5. The Assembly shall meet as often as is necessary, but at least once a year. The Assembly shall convene when it so decides, when requested by the Council, or when

requested by any Member if such a request is supported by one-third of the Members. The Chair shall have the right to convene extraordinary meetings of the Assembly in the event of an urgent need. Subject to paragraph 6 below, the presence of a majority of all Members is required for any decision-making of the Assembly.

6. The Assembly may exercise its decision-making through written procedure and by electronic means as determined in the rules of procedure of the Assembly.
7. The Assembly may establish advisory committees to assist with its work in specific areas of relevance to the Assembly or the Commission as a whole.
8. The Assembly shall adopt its own rules of procedure and any other rules or arrangements required for the implementation of its functions.
9. The Secretariat shall serve as the secretariat of the Assembly.

#### Article 8 – Financial Committee

1. The Assembly shall establish the Financial Committee as a subsidiary organ of the Assembly. The Financial Committee shall:
  - (a) determine the annual assessed contributions of Members in accordance with Article 23(3) of this Convention;
  - (b) provide advice to the Secretariat in the preparation of the budget of the Commission;
  - (c) review the draft budget of the Commission for the following year, as prepared by the Secretariat, and report to the Assembly;
  - (d) review and authorise the acceptance of contributions from entities other than Members and Observers in accordance with Article 23(4) of this Convention;
  - (e) provide recommendations to the Assembly relating to other relevant financial matters; and
  - (f) perform any other tasks related to financial matters assigned to it by the Assembly.
2. The Financial Committee shall be comprised of representatives of:
  - (a) all Members that are the Major Contributors to the budget of the Commission;
  - (b) other Members and Observers that contribute to the budget of the Commission an amount at least equal to the obligatory contributions of the Major Contributors during the financial year for which they made such a contribution;
  - (c) other Members elected by the Assembly.
3. The Assembly shall determine the number of Members and of Observers under subparagraphs 2(b) and 2(c) above. The Assembly shall review such numbers annually. The number of Observers shall not be higher than the number of Members.

4. In the event that the Commission receives sufficient funds wholly from sources other than assessed contributions to meet its budgetary needs, the Financial Committee shall only be comprised of representatives of Members elected by the Assembly.
5. The Financial Committee shall endeavour to adopt its decisions by consensus. Unless otherwise provided in this Convention, where efforts to achieve consensus have been exhausted, the Financial Committee shall adopt decisions by a two-thirds majority of the votes cast, with each member of the Financial Committee having one vote. The presence of a majority of members of the Financial Committee is required for any decision-making of the Financial Committee.
6. Decisions on procedural matters shall be adopted by a majority of the votes cast. If there is a doubt or uncertainty as to whether the matter is procedural, the decision shall be adopted in accordance with paragraph 5 above.
7. The Financial Committee shall meet as necessary and report to the Assembly. The Financial Committee may invite Members, Observers, and other States and entities that have supported the Commission financially over the relevant reporting period to be present during the meetings of the Financial Committee.
8. The Secretariat shall provide the necessary administrative support to the Financial Committee.

#### Article 9 – Voting in the Assembly

1. Unless a different threshold is specifically required by this Convention, the Assembly shall adopt its decisions by a two-thirds majority of the votes cast.
2. Decisions under subparagraphs 4(g) and 4(h) of Article 7 of this Convention shall be adopted by a two-thirds majority of the votes cast, including the affirmative votes of all Major Contributors.
3. Decisions on procedural matters shall be adopted by a majority of the votes cast. If there is a doubt or uncertainty as to whether the matter is procedural, the decision shall be adopted in accordance with paragraph 1 above.
4. Each Member shall have one vote in the Assembly.

#### Article 10 – Council

1. The composition of the Council shall be determined as follows:
  - (a) The Council shall be composed of a minimum of nine and a maximum of fifteen Members. Unless the Assembly decides otherwise, members of the Council shall serve for a period of three years on a rotational basis. The Assembly shall determine the composition of the Council from a list of Members that have expressed an interest in serving on the Council, in the order in which they became a Member.
  - (b) The Assembly shall determine the initial nine Members that comprise the Council at its first meeting or as soon as possible thereafter.

- (c) The Assembly shall determine three additional members of the Council at the meeting following the deposit of the thirtieth instrument of ratification, acceptance, or approval of this Convention or accession to this Convention, and three additional members following the deposit of the fortieth such instrument.
- (d) When Ukraine and/or the Russian Federation are members of the Council in accordance with the rules of subparagraph (a) above, they shall abstain from voting under subparagraphs 2(b), 2(c)(ii) to (v), and 2(d) below. When Ukraine and/or the Russian Federation are Members, but not members of the Council, they shall be invited to participate in the meetings of the Council with the right to present their position, but without the right to vote.
- (e) The Assembly shall adopt the rules governing the rotation of membership in the Council in accordance with the provisions of this article, including ensuring continuity when the membership rotates.

2. The Council shall, without prejudice to Article 7 of this Convention:

- (a) have responsibility for the exercise of the mandate of the Commission;
- (b) appoint the Commissioners from the roster of candidates approved by the Assembly in accordance with subparagraph 4(e) of Article 7 of this Convention and establish Panels in accordance with Article 12 of this Convention;
- (c) adopt the rules and regulations governing the work of the Commission, to be subsequently approved by the Assembly, including as regards the determination of:
  - i. rules and procedures for appointment of Commissioners to and their removal from Panels;
  - ii. rules and procedures for the submission, review, assessment, and decision of Claims, and for the determination of the amount of compensation due in each case;
  - iii. standards and requirements for evidence;
  - iv. rules for evaluation of damage, loss, or injury;
  - v. standards and approaches to compensation;
  - vi. procedures for resolving disputed issues;
  - vii. the order of priority for the review, assessment, and decision of Claims;
  - viii. the rules and procedures required for continuation of the work of the Register within the framework of the Commission; and
  - ix. other matters within the competence of the Council;
- (d) have the authority to adopt or remit the recommendations of Panels for decisions with respect to amounts of compensation due for Claims considered



by Panels, as well as with respect to the legal and factual basis of the recommendations, subject to Articles 17 and 18 of this Convention; and

(e) perform any other function delegated to it by the Assembly.

3. The Council shall meet regularly in order to consider the recommendations of Panels for decisions with respect to considered Claims and to make any other decisions necessary to perform its functions. The Secretariat may participate in the meetings of the Council in an advisory capacity.
4. The Council shall endeavour to adopt its decisions by consensus. Unless otherwise provided in this Convention, where efforts to achieve consensus have been exhausted, the Council shall adopt decisions by a two-thirds majority of the votes cast, with each member of the Council having one vote. Subject to paragraph 5 below, the presence of a majority of members of the Council is required for any decision-making of the Council.
5. The Council may exercise its decision-making through written procedure and by electronic means as determined in its rules of procedure.
6. Decisions on procedural matters shall be adopted by a majority of the votes cast. If there is a doubt or uncertainty as to whether the matter is procedural, the decision shall be adopted in accordance with paragraph 4 above.
7. The Council shall adopt its own rules of procedure and any other arrangements required for the implementation of its functions. The Council shall elect a Chair and one or two Vice Chairs from among its members for terms of office of one year with the possibility of re-election.
8. The Council shall provide reports to the Assembly twice a year. Such reports shall include the number of Claims considered by the Council and the total amount of compensation awarded in each category, as well as a summary of any other significant factual or legal matters relevant to the work of the Commission.

#### Article 11 – Commissioners

1. The appointment of Commissioners shall take place on an inclusive basis, bearing in mind the need for independence, impartiality, integrity, high moral character, experience, professional multidisciplinary expertise, broad geographical representation, and gender balance. The Commissioners shall be experts in fields such as international law, dispute resolution, finance, accountancy, insurance, or damage assessment. The Council may establish additional requirements for the appointment of Commissioners to address specific needs of the Panels.
2. Candidates for Commissioners may be nominated by Members. Candidates can also apply directly to serve as Commissioners. The Secretariat shall organise the process of nomination and application, screen the candidates, and create the roster of eligible candidates to serve as Commissioners.
3. The Secretariat shall submit the roster of candidates to the Assembly for approval. The Secretariat shall submit an updated roster to the Assembly for its approval annually, or as requested by the Assembly or the Council.

4. Candidates cannot be disqualified solely on the basis of their nationality.
5. The terms of engagement of Commissioners, including their remuneration, shall be determined by the Council.
6. Commissioners shall sit in their individual capacity and be available to carry out their duties in an effective manner.

#### Article 12 – Panels

1. Panels shall be established by the Council to review and assess Claims and to determine any amount of compensation due in each case. They shall make recommendations for decisions to the Council for adoption.
2. The Council, upon recommendation of the Secretariat, and bearing in mind considerations of efficiency, flexibility, and workload, shall determine the number of Panels to be established as well as the mandate of each Panel.
3. Each Panel shall be composed of three Commissioners appointed to that Panel by the Council.
4. The Commissioners of each Panel shall, by consensus, designate from among themselves the Chair of that Panel. Should they be unable to reach consensus, the Council shall designate the Chair.

#### Article 13 – Secretariat

1. The Commission shall have a Secretariat headed by an Executive Director.
2. The Secretariat shall, under the authority of the Executive Director, provide substantive, technical, and administrative support for the maintenance and functioning of the Commission.
3. The Secretariat shall possess or procure the necessary expertise for the performance of its functions, including sufficient expertise in relevant domestic law and proficiency in relevant languages.
4. The Council of Europe Staff Regulations and Staff Rules shall apply to the Secretariat. Nationals of all member States of the Council of Europe and nationals of all Members shall be eligible for appointment as staff members of the Commission. The Assembly may further derogate from applicable Council of Europe rules and regulations, including regarding the nationality of staff, if doing so advances the exercise of the functions of the Commission. Such approved derogations shall be communicated to the Committee of Ministers and the Secretary General of the Council of Europe.

#### Article 14 – Executive Director

1. The Executive Director shall represent the Commission and is entitled to act on its behalf.

2. The Executive Director shall be entitled to conclude contracts, agreements, and arrangements on behalf of the Commission. Any international agreements shall be concluded by the Executive Director on behalf of the Commission following prior approval by the Assembly. Any arrangements with national or international bodies providing for any exchange of information on Claims or evidence shall be concluded by the Executive Director on behalf of the Commission following prior approval by the Council.
3. The Secretary General of the Council of Europe shall delegate to the Executive Director such powers as are necessary for the exercise of the duties of the Executive Director with respect to the Secretariat.
4. The Executive Director shall:
  - (a) have day-to-day responsibility for overseeing and administering the work of the Secretariat;
  - (b) ensure substantive, technical, administrative, and organisational support for the work of the Assembly, the Council, and the Panels, including regular liaison and preparation of their meetings;
  - (c) be responsible for forwarding Claims to the Panels for consideration and forwarding recommendations of the Panels to the Council;
  - (d) liaise with relevant national and international bodies on various issues related to the work of the Commission, including on issues concerning Claims and evidence; and
  - (e) perform any other function vested in the Executive Director by this Convention or delegated by the Assembly and/or the Council.
5. The Executive Director shall be elected by the Assembly. Upon election by the Assembly, the Executive Director shall be appointed by the Secretary General of the Council of Europe and shall be expected to serve a renewable term of four years.
6. Members are invited to nominate candidates for the position, bearing in mind the nature of Claims before the Commission.
7. Candidates should be individuals of integrity, high moral character, appropriate experience, and professional qualifications for the role.

#### Article 15 – Independence

1. The Commissioners, as well as the Executive Director and the other members of the Secretariat, shall be independent in the performance of their duties.
2. In the performance of their duties, the Commissioners, as well as the Executive Director and the other members of the Secretariat, shall not seek or accept instructions from any government or from any other authority or entity external to the Commission. They shall refrain from any action which might reflect negatively on their position as international officials responsible only to the Commission.

3. Each Member, as well as the Council of Europe and its bodies, undertakes to respect the exclusively independent character of the responsibilities of the Commissioners, as well as of the Executive Director and the other members of the Secretariat, and not to seek to influence them in the discharge of their duties.
4. The Commissioners, as well as the Executive Director and the other members of the Secretariat, shall have no personal or financial interest in any matter before the Commission. Any conflict of interest shall be disclosed and dealt with in accordance with the rules of the Commission.
5. Rules on conflicts of interest and disclosure for the Commissioners, as well as, as appropriate, for the Executive Director and the other members of the Secretariat, shall be adopted by the Council.

## PART V – CLAIMS AND PROCEDURE

### Article 16 – Examination of Claims by Panels

1. The Panels shall examine Claims, establish whether the Claims are substantiated, determine any amount of compensation due with respect to each Claim, and make recommendations for decisions to the Council for adoption in accordance with the applicable Rules and Regulations.
2. Panels may request the Secretariat to engage experts to assist them where specialised knowledge, expertise, or experience is required.
3. The examination of Claims shall take place on the basis of the Rules and Regulations. Panels shall determine their own working methods.
4. The Secretariat shall provide administrative, technical, legal, and other assistance to the Panels in the performance of their functions but shall not be involved in the ultimate decision-making of the Panels.

### Article 17 – Decision-making of the Panels

1. The Panels shall endeavour to adopt their recommendations by consensus. Where efforts to achieve consensus have been exhausted, recommendations for decisions shall be adopted by a majority of the Commissioners on the Panel. The Secretariat shall record whether decisions of the Panels were taken by consensus or by a majority and the outcome of any voting.
2. The recommendations for decisions of the Panels shall be reasoned.

### Article 18 – Decision-making on Recommendations of Panels

1. The Council shall consider the recommendations of the Panels with respect to Claims as soon as possible after such recommendations are forwarded to the Council. In its

assessment of the recommendations, the Council shall follow the grouping of Claims, if any, used by the Panels.

2. Upon full consideration by the Council, a recommendation shall be deemed approved by the Council unless the Council decides, on grounds stipulated by the Rules and Regulations, to remit the recommendation to the Panel, providing the reasons for its decision together with any further guidance, which shall form an integral part of the decision of the Council.
3. The Panel shall consider the guidance of the Council and make a new recommendation as appropriate.
4. In the exceptional situations provided for in the Rules and Regulations, the Council may refer a recommendation of a Panel to an ad hoc review panel established by the Council for that purpose.
5. The ad hoc review panel shall be comprised of three Chairs of Panels. Articles 16 and 17 of this Convention shall apply to ad hoc review panels and their work.
6. Upon full consideration by the Council, the recommendation of the ad hoc review panel shall be deemed approved by the Council unless the Council refers the matter to the Assembly, which shall finally decide the matter in the Council's stead.
7. A recommendation approved in accordance with this article shall become the final decision of the Commission with respect to any Claim in question, and shall not be subject to further appeal or review.
8. A record of decision-making of the Assembly, the Council, and any ad hoc review panel shall be maintained by the Secretariat.

#### Article 19 – Judgments or Awards by Courts or Tribunals and other Adjudicative Bodies

1. In their decision making, the Panels and the Council shall take into account, as appropriate, relevant judgments or awards by courts or tribunals and other adjudicative bodies established under international law.
2. The Panels and the Council may also take into account relevant judgments or awards by any national courts and tribunals.
3. The Commission, through its bodies, shall take appropriate measures to ensure that no claimant receives double compensation for the same damage, loss, or injury. Members shall endeavour to support the Commission in this regard, in particular through the exchange of information with the Commission, as appropriate.

#### Article 20 – Standards and Safeguards

1. The Commission, including its Council, Panels, and Secretariat, shall operate according to the highest standards of independence, impartiality, fairness, and objectivity.
2. The Commission shall operate in a transparent manner, regularly inform the public about its activities, and duly protect personal data. The rules on transparency,

including the rules for the publication of the decisions of the Commission, shall be adopted by the Council.

3. The Council shall adopt rules on the protection of personal data and confidentiality.
4. All proceedings of the Commission shall be conducted ensuring appropriate procedural safeguards.

#### Article 21 – Funding of Compensation Awarded and Enforcement

1. Members recognise that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts. It is therefore expected that the Russian Federation shall fund the compensation determined and awarded by the Commission under this Convention.
2. Members, with the exception of the Russian Federation, shall not be required to fund the compensation determined and awarded by the Commission.
3. Decisions of the Commission cannot be enforced through courts or other judicial or quasi-judicial institutions within the national jurisdictions of the Members unless expressly permitted by a relevant Member under the national law of that Member.

#### Article 22 – Mechanics for Payment of Compensation Awarded

The Assembly may consider the mechanics for the payment of compensation awarded after funding has become available, including payment from any compensation fund that may be established or designated for this purpose at a point the Assembly agrees appropriate.

### PART VI – FINANCING OF THE COMMISSION

#### Article 23 – Financing and Budget

1. Upon the Russian Federation becoming a Member, it shall bear the costs of the Commission from the entry into force of this Convention.
2. Until the Russian Federation bears the costs of the Commission, the Commission shall be financed through the annual assessed contributions of Members and voluntary contributions. Such contributions shall be made without prejudice to the possibility of recovery from the Russian Federation.
3. The annual assessed contributions of Members shall be determined by the Financial Committee, based on the criteria for the determination of the annual scale of contributions for the general budget of the Council of Europe and can be adjusted by the Assembly in accordance with the principles on which that scale is based.
4. The Commission may receive and utilise voluntary contributions connected to its work, including contributions in kind. These contributions shall be consistent with

the mandate and functions of the Commission. Contributions from entities other than Members and Observers are subject to the prior authorisation of the Financial Committee.

5. The Commission shall have its own budget within the framework of the Council of Europe. The Assembly shall adopt every year the budget of the Commission for the following year, prepared by the Secretariat and reviewed by the Financial Committee.
6. Subject to the provisions of this Convention, the Financial Regulations of the Council of Europe shall apply.
7. The Assembly may suspend the rights of a Member where it considers that the Member has failed to fulfil its financial obligations under this Convention.

## PART VII – REGISTER OF DAMAGE CAUSED BY THE AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE

### Article 24 – Transfer of the Work of the Register

1. As soon as possible after the establishment of the Commission and the appointment of its Executive Director, the Executive Director shall engage with the Register and/or the Council of Europe to make preparations for the transfer of the work of the Register, as appropriate, to the Commission in a way that will ensure the uninterrupted operation of the Register until its termination, and that will place information on Claims and evidence held by the Register at the disposal of the Commission. Such transfer shall include the digital platform of the Register, including all information about Claims and evidence contained therein, other documentation, its archives, its movable and immovable property, including, but not limited to, bank accounts, information technology equipment, software and any licences thereto, contracts, and arrangements of the Register, as well as any associated data, in such a way that the Commission becomes the legal successor of the Register.
2. The Assembly, the Council, and the Members shall assist the Executive Director as necessary and appropriate in preparation for the transfer of the work of the Register to the Commission.
3. Following the decision of the Assembly under subparagraph 4(g) of Article 7 of this Convention, the Executive Director shall execute the transfer of the work of the Register to the Commission, and shall certify to the Assembly when such transfer is completed and the Commission can commence its work on the Claims.

### Article 25 – Continuation of the Work of the Register within the Framework of the Commission

1. The functions of the Register, including the organisation of the submission of Claims, shall continue as part of the Commission.



2. The Council, upon the proposal of the Executive Director, shall adopt relevant rules and procedures to that effect.

## PART VIII – FINAL CLAUSES

### Article 26 – Dispute Settlement

In the event of a dispute between Members as to the interpretation or application of this Convention, these Members shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including through the Assembly, which shall facilitate the friendly settlement of such disputes.

### Article 27 – Membership and Observer Status

1. Subject to Article 28 of this Convention, any State, the European Union, and any other Regional Integration Organisation may become a Member of the Commission by becoming a Party to this Convention in accordance with the procedures set out in this Convention.
2. The Assembly may invite any State, Regional Integration Organisation, or international organisation to become an Observer of the Commission in accordance with the terms established by the Assembly. Any State, Regional Integration Organisation, or international organisation may request to be invited to become an Observer.
3. Without prejudice to Article 7 of this Convention, Observers may participate in the meetings of the Assembly without the right to vote and make oral or written statements in the meetings of the Assembly.
4. Observers having made voluntary contributions to the budget of the Commission of an amount at least equal to the amount determined by the Assembly in accordance with subparagraph 4(j) of Article 7 of this Convention, shall have the right to participate in the adoption of the annual budget of the Commission, the annual financial report of the Commission, and the annual activity report of the Commission in accordance with subparagraphs 4(k) to (m) of Article 7 of this Convention with the right to vote in the Assembly during the financial year for which they made such a contribution.
5. Any Member acting in a manner inconsistent with the mandate of the Commission or impeding its functions may be suspended from its rights and requested by the Assembly to withdraw in accordance with Article 35 of this Convention. If such Member does not comply with this request, the Assembly may decide that such Member has ceased to be a Member as from such date as the Assembly may determine.
6. Any Observer acting in a manner inconsistent with the mandate of the Commission or impeding its functions may have its observer status suspended or revoked by the Assembly, in accordance with procedures established by the Assembly.

## Article 28 – Membership of the Russian Federation and Participation in the Work of the Bodies of the Commission

1. The Russian Federation may become a Member of the Commission at any time by expression of its consent to be bound by this Convention in accordance with Article 31 of this Convention, and on the condition of making a declaration to be attached to an instrument of accession to this Convention that:
  - (a) it accepts its responsibility under international law for damage, loss, and injury caused by its internationally wrongful acts in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as its violations of international humanitarian law and international human rights law:
    - i. in the territory of Ukraine within its internationally recognised borders, which includes its land, airspace, internal waters, and territorial sea;
    - ii. in the exclusive economic zone of Ukraine and on its continental shelf, in accordance with international law and, as applicable, national legislation of Ukraine;
    - iii. to any aircraft or vessel under the jurisdiction of Ukraine;
    - iv. to all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities and state-owned or controlled entities;
  - (b) it agrees to honour the decisions of the Commission on compensation and to provide the necessary means for the payment of compensation awarded or some other amount agreed to by Ukraine; and
  - (c) it agrees to reimburse Members and, where applicable, Observers for their contributions to the costs of the Commission.
2. The Assembly shall satisfy itself that the declaration by the Russian Federation attached to its instrument of accession meets the conditions in paragraph 1 above.
3. The Council shall, as soon as the Russian Federation expresses an interest in becoming a Member of the Commission, adopt further rules governing the participation of the Russian Federation in the work of the Commission. These rules shall be approved by the Assembly by consensus.
4. The Russian Federation may request to be invited to become an Observer of the Commission at any time in accordance with Article 27 of this Convention.

## Article 29 – Depositary

The Secretary General of the Council of Europe shall be the depositary of this Convention.

#### Article 30 – Signature, Ratification, Acceptance, Approval, and Entry into Force

1. This Convention shall be open for signature by all member States of the Council of Europe, any other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, and any other States that voted in favour of United Nations General Assembly Resolution ES-11/5 of 14 November 2022, entitled “Furtherance of remedy and reparation for aggression against Ukraine”.
2. This Convention is subject to ratification, acceptance, or approval. Instruments of ratification, acceptance, or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which both of the following conditions are met:
  - (a) twenty-five signatories have expressed their consent to be bound by this Convention in accordance with the provisions of paragraph 2 above; and
  - (b) the aggregate individual contributions of these signatories to the budget of the Register for 2025<sup>1</sup> constitute at least 50% of the total of the budget of the Register for 2025.
4. Subject to Article 28 of this Convention, in respect of any signatory referred to in paragraph 1 above that subsequently expresses its consent to be bound by it, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance, or approval.

#### Article 31 – Accession

1. After the entry into force of this Convention, the Parties to this Convention, through the Assembly, may invite to accede to this Convention any State or Regional Integration Organisation that did not participate in the Diplomatic Conference for the adoption of this Convention and did not vote in favour of United Nations General Assembly resolution ES-11/5 of 14 November 2022, entitled “Furtherance of remedy and reparation for aggression against Ukraine”.

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<sup>1</sup> In accordance with the adjusted budget 2025 (document RD4U-COP(2024)16, p. 6, Table 7), as adopted by the Conference of Participants of the Register on 11 October 2024 (document RD4U-COP(2024)18, p. 3), 50% of the total budget of the Register for 2025 equals €3 692 150. For signatories that have not made a contribution to the budget of the Register for 2025, the amount that would have been their assessed contribution to the budget of the Register had they been a Participant of the Register shall be used for the purposes of calculation of aggregate individual contributions under this subparagraph (b).

2. Notwithstanding paragraph 1 above, and in accordance with Article 28 of this Convention, the Russian Federation may accede to this Convention at any time.
3. In respect of any acceding State or Regional Integration Organisation, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### Article 32 – Territorial Application

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval, or accession, specify the territory or territories of that State to which this Convention shall apply.
2. Any State may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory of that State specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General of the Council of Europe.
3. Any declaration made under paragraphs 1 and 2 above may, in respect of any territory specified in any such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General of the Council of Europe.

#### Article 33 – Amendments

1. Amendments to this Convention may be proposed by any Member.
2. Proposals for the amendment of this Convention may include a proposal to expand the temporal scope of this Convention to include Claims for compensation for damage, loss, or injury caused by the internationally wrongful acts committed by the Russian Federation in or against Ukraine on or after 20 February 2014.
3. Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the Members. The Secretary General of the Council of Europe shall inform the Assembly thereof.
4. The Assembly shall consider and may adopt the proposed amendment.
5. The text of any amendment adopted by the Assembly shall be forwarded by the Secretary General of the Council of Europe to the Members for ratification, acceptance, or approval.
6. Any amendment adopted in accordance with this article shall enter into force on the thirtieth day following the date on which all Members have informed the Secretary General of the Council of Europe that they have ratified, accepted, or approved it.

## Article 34 – Reservations

No reservation may be made in respect of the provisions of this Convention.

## Article 35 – Denunciation

1. At any time after the date on which this Convention has entered into force in accordance with Article 30 of this Convention, any Member may denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of receipt of the notification by the Secretary General of the Council of Europe. In case of a denunciation by the Russian Federation, the expiration period shall be ten years or until the termination of this Convention in accordance with Article 36 of this Convention.
3. No denunciation under this article shall have any retroactive effect on the commitments and obligations under this Convention during the time of the membership of the denouncing Member.

## Article 36 – Duration and Termination

1. Without prejudice to paragraph 4 below, this Convention shall remain in force for a minimum period of ten years from its entry into force.
2. It shall remain in force thereafter for successive periods of up to five years if the Assembly, by a majority of at least three-quarters of all Members, by a decision taken within a year before the end of the then-current period, decides that it should remain in force.
3. At any time after the tenth anniversary of this Convention coming into force, the Assembly may, by a majority of at least three-quarters of all Members, terminate this Convention and dissolve the Commission.
4. This Convention shall be terminated by the Assembly if:
  - (a) as a result of denunciations made in accordance with Article 35 of this Convention, the number of Parties to this Convention falls below the threshold specified in subparagraph 3(a) of Article 30 of this Convention; or
  - (b) there are insufficient funds to finance the anticipated expenses of the following twelve months of the operations of the Commission and the Commission is unable to secure alternative means of financing the Commission.
2. Termination under subparagraph 4(a) above shall be effective twelve months from the date of receipt by the Secretary General of the Council of Europe of the notification of denunciation which triggers this event, unless within three months of

the date when the number of Parties to this Convention falls below the threshold specified in subparagraph 3(a) of Article 30 of this Convention, the Assembly by consensus decides that this Convention should remain in force and that the Commission should continue for a specified period.

3. Termination under subparagraph 4(b) above shall be effective as soon as possible after the date of the decision of the Assembly to terminate it.
4. In the event of the termination of this Convention and the dissolution of the Commission, the Assembly shall ensure the subsequent preservation of all information about the Claims and evidence received by the Commission, its decisions, and other documentation, including its archives.
5. Prior to the termination of this Convention and the dissolution of the Commission pursuant to this article, the Assembly shall adopt any necessary transitional arrangements.

#### Article 37 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, any signatory, any Party, and any other State or Regional Integration Organisation that has been invited to accede to this Convention, of:

- (a) any signature;
- (b) the deposit of any instrument of ratification, acceptance, approval, or accession;
- (c) the date of entry into force of this Convention in accordance with Article 30 of this Convention;
- (d) any amendment adopted in accordance with Article 33 of this Convention and the date on which such amendment enters into force;
- (e) any declaration made in accordance with Article 6(5) of this Convention;
- (f) any denunciation made in accordance with Article 35 of this Convention;
- (g) any other act, declaration, notification, or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at [The Hague], this [16th] day of [December 2025], in English, French and Spanish, all texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, any other States and the European Union that participated in the Diplomatic Conference for the adoption of this Convention, and to any State or Regional Integration Organisation invited to accede to this Convention.



EUROPEAN  
COMMISSION

Brussels, 12.11.2025  
COM(2025) 701 final

ANNEX 2

**ANNEX**

**to the Proposal**

**for a Council Decision**

**on the signing of the Convention Establishing the International Claims Commission for  
Ukraine**



**ANNEX [2]**  
**FINAL ACT**  
**OF THE DIPLOMATIC CONFERENCE**  
**FOR THE ADOPTION OF THE CONVENTION**

**ESTABLISHING AN INTERNATIONAL CLAIMS COMMISSION FOR UKRAINE**

The Diplomatic Conference convened jointly by the Council of Europe and the Kingdom of the Netherlands for the adoption of the Convention Establishing an International Claims Commission for Ukraine was held in The Hague, the Netherlands, on 16 December 2025, with Ms./Mr [name] of [State] as Chair.

The Diplomatic Conference deliberated on the basis of a text drawn up by the Ad hoc Committee on the Establishment of an International Claims Commission for Ukraine (CAHEC) held in The Hague, the Netherlands, from 9 to 12 September 2025.

The Diplomatic Conference adopted the text of the Convention Establishing an International Claims Commission for Ukraine, appended hereto, and opened it for signature.

The Diplomatic Conference also adopted a Resolution and a Report, with annexes, appended hereto.

The Diplomatic Conference recognises that the Russian Federation must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts.

The Diplomatic Conference encourages all participants to continue exploring, including at the international level and in accordance with international law, possible sources to secure the funding of the compensation determined and awarded by the International Claims Commission for Ukraine under the Convention.

IN FAITH WHEREOF, the Conference adopted this Final Act.

Done at The Hague, the Netherlands, on 16 December 2025, in the English, French, and Spanish languages, the three versions being equally authoritative.



EUROPEAN  
COMMISSION

Brussels, 12.11.2025  
COM(2025) 701 final

ANNEX 3

## **ANNEX**

**to the Proposal for a**

**Council Decision**

**on the signing of the Convention Establishing the International Claims Commission for  
Ukraine**

## ANNEX [3]

### The Diplomatic Conference for the Adoption of a Convention Establishing an International Claims Commission for Ukraine

Having adopted the Convention Establishing an International Claims Commission for Ukraine;

Recognising the need to establish the International Claims Commission for Ukraine (“Commission”) without undue delay and to make the necessary arrangements for the commencement of its functions and the fulfilment of its mandate;

Decides as follows:

- (1) To request the Kingdom of the Netherlands to host the Commission for the duration of its work.
- (2) To request the Council of Europe to set up an advance team, with the participation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, on preparation for the presence of the Commission in the host State. The advance team shall:
  - (a) engage with the Government of the host State to:
    - i. prepare a draft text of a host State agreement between the host State and the Commission, including on matters of privileges and immunities in the host State;
    - ii. prepare arrangements regarding the presence of the Commission in the host State, such as security measures, any required practical and logistical arrangements (such as housing of the office), and other matters related to the hosting, and, as appropriate, subsequently prepare draft documents on these issues in consultation with the host State; and
  - (b) prepare a report on its work, together with any draft documents, and submit it to the first meeting of the Assembly of the Commission;
  - (c) operate on a working-level basis;
  - (d) transfer its work to the Commission and terminate its operations after the first meeting of the Assembly of the Commission.
- (3) To request the Committee of Ministers of the Council of Europe to establish, in accordance with Article 17 of the Statute of the Council of Europe, a committee to function as a preparatory committee for the International Claims Commission for Ukraine (“Preparatory Committee”).
- (4) The Preparatory Committee shall consist of the signatories of the Council of Europe Open Convention Establishing an International Claims Commission for Ukraine. The Preparatory Committee may decide to invite other members and observers of the Diplomatic Conference to become observers of the Preparatory Committee.
- (5) The Preparatory Committee, at its first meeting, shall elect its Chair and Vice-Chair, adopt its rules of procedure, and decide on its programme of work.
- (6) The working languages of the Preparatory Committee shall be the two official languages of the Council of Europe, English and French.

- (7) The Preparatory Committee shall prepare proposals and practical arrangements for the establishment and coming into operation of the Commission, including the following draft documents to be adopted by the Assembly of the Commission:
- (a) rules of procedure of the Assembly of the Commission;
  - (b) rules and procedure for the nomination and election of the Executive Director;
  - (c) rules and procedure for the election of members of Financial Committee;
  - (d) a provisional budget for the first financial year of the Commission; and
  - (e) a scale for annual assessed contributions of Members.
- (8) The Preparatory Committee shall prepare a report on all matters within its mandate and submit it to the first meeting of the Assembly of the Commission, as well as inform the Committee of Ministers of the Council of Europe.
- (9) The Preparatory Committee shall meet in The Hague, the Netherlands. Any costs arising from such meetings shall be financed by voluntary contributions of members and observers of the Preparatory Committee. Representatives of members and observers in the Preparatory Committee shall defray their own travel and subsistence expenses.
- (10) The Secretariat General of the Council of Europe will serve as the secretariat of the Preparatory Committee.
- (11) The Secretary General of the Council of Europe is invited to convene the Preparatory Committee.
- (12) The Preparatory Committee shall remain in existence until the conclusion of the first meeting of the Assembly of the Commission.

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