

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

46+1(2022)R16

24 November 2022

**16<sup>TH</sup> MEETING OF THE CDDH AD HOC NEGOTIATION  
GROUP (“46+1”) ON THE ACCESSION OF THE EUROPEAN  
UNION TO THE EUROPEAN CONVENTION ON HUMAN  
RIGHTS**

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**Meeting Report**

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Tuesday 22 November 2022 – Thursday 24 November 2022

Palais, Room 8

Council of Europe

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**Item 1: Opening of the meeting and adoption of the agenda**

1. The CDDH ad hoc negotiation group (“46+1 Group”) on the accession of the European Union (EU) to the European Convention on Human Rights (the Convention) held its 16th meeting on 22 – 24 November 2022 with Tonje MEINICH (Norway) in the chair. The list of participants appears in Appendix I.
2. The Group adopted the agenda as it appears in Appendix II.

**Item 2: Issues relating to Article 7 of the Accession Agreement (including the relevant parts of the other accession instruments)**

3. The Group resumed its discussion of issues relating to voting in the Committee of Ministers on the implementation of judgments of the European Court of Human Rights to which the EU is a party. The Secretariat of the Committee of Ministers provided information on how many cases were under enhanced supervision, how many of those were examined at each ‘human rights’ (CM/DH) meeting of the Committee of Ministers, how many of those were subject to decisions prior to the final resolution, and how many of those decisions were adopted by vote rather than consensus. The Group agreed that voting on the implementation of judgments in cases involving the EU would occur only very rarely, whilst noting that it would tend to occur in the most difficult and politically sensitive cases.
4. The Secretariat presented a document containing possible drafting proposals for and analysis of the consequences of the various options in relation to voting by the Committee of Ministers under Article 7, paragraph 4 of the Accession Agreement (doc. 46+1(2022)27corr). The Secretariat recalled that unlike most other issues, the issue of voting in the Committee of Ministers was about protecting the Convention system, rather than the EU legal order, against possible adverse consequences of EU accession. It also differed in that it did not concern proceedings prior to the decision-making process, but the decision-making process itself. The proposals set out in the document sought to address deficiencies that had been identified in the 2013 accession instruments, so as to ensure that the coordinated votes of the EU and its member States alone would not suffice either to block a decision that they opposed or to adopt a decision that they supported. The tables contained qualitative and quantitative analysis of the functioning of various options. The Group welcomed this document as a useful contribution to its discussions and recalled that this issue had not been raised in Opinion 2/13 of the Court of Justice of the EU.
5. The Group reaffirmed the need to revisit Rule 18 as drafted in 2013, with some delegations stating that they could not accept the 2013 text. The Group then exchanged views on the three main options set out in the Secretariat document: the revised version of Rule 18; the 0-vote option; and the 1-vote option. It began by exploring various questions of principle arising in relation to different options, and delegations indicated their initial preferences amongst those options. One delegation reminded the Group of its earlier proposal for a revised version of Rule 18 and that the Secretariat had provided a numerical analysis of this proposal.
6. As regards the revised Rule 18 option, some delegations considered that this had the advantages of equal participation in decision-making, which respected the current institutional situation based on the principles of shared responsibility, collective supervision, and equality of the parties. It was also noted that it had the advantages of requiring only targeted amendments to Rule 18 as drafted in 2013, and of being flexible and future-proof. Some delegations considered that this option had the disadvantages of complexity; inequality between Parties in how their implementation

of Court judgments is supervised; and a lack of clarity and legal certainty, with the possibility of safeguards being insufficient. Other delegations did not share all of these concerns.

7. As regards both the 0- and 1-vote options, some delegations considered that these had the advantages of legal certainty, efficiency, and simplicity; of preserving the equality of the Parties in how their implementation of Court judgments is supervised. Some delegations considered that these options had the disadvantages of not treating EU member States as High Contracting Parties to the Convention by taking away their votes, thereby being inconsistent with the principle of equal participation, and potentially setting a precedent for how the EU and its member States would be allowed to vote in other international fora. As regards the 0-vote option, some delegations considered that it was inconsistent with the principle of collective supervision. Other delegations did not share all of these concerns.

8. The Secretariat of the Committee of Ministers considered that all of the options under consideration were workable, even if some appeared more complex than others.

9. The Group then discussed the application of the three options in practice, with a particular focus on whether they would provide sufficient safeguards against the potential for the EU and its member States, alone, either (i) to block the adoption of a decision to which they were opposed, or (ii) to be able to adopt a decision which they supported.

10. The Secretariat of the Committee of Ministers described the general rules and practice applied when supervising the implementation of the Court's judgments, including on the following points. The Secretariat, under the authority of the Chair, made proposals for classifying cases under 'enhanced' or 'standard' supervision, on the basis of established criteria set out in the Committee's working methods. Initial proposals for cases to be examined at a particular meeting were made by the Secretariat, under the authority of the Chair, on the basis of an indicative work programme and previously agreed order. The Secretariat, under the authority of the Chair, also made initial proposals for draft decisions. As set out in the Committee's working methods, the Secretariat could propose a draft final resolution only after the respondent Party had submitted an Action Report detailing the measures taken to implement the judgment in question. Multiple respondent Parties to a case could have different implementation obligations, and the Committee of Ministers could close part of a case relating to the type of measures taken or adopt a final resolution concerning a particular respondent Party if that Party had taken all necessary measures. Final resolutions could be adopted at both ordinary meetings of the Committee of Ministers and CM/DH meetings. For any proposal other than to take action under Article 46(3) or (4) of the Convention, the Chair would first ask if it could be adopted by consensus. Only if there was a request would a vote take place. In accordance with the rules for the meetings of the Ministers' Deputies, amendments were considered before the decision to which they related, in the order of least relevant to most relevant. In accordance with those rules, however, the Chair could take a pragmatic approach, including to dealing with multiple overlapping amendments. Once a decision had been adopted, the Chair, in the interests of the good functioning of the meeting, would not allow further proposals on the same issue. Complex procedural problems usually did not arise, as everyone had a common interest in making the system work and the Chair should guide the meeting to an operational result, but there was not always consensus and rules were needed in anticipation of situations where consensus was not possible.

11. The Group observed that all three options (revised Rule 18, 0-vote and 1-vote) could, from one perspective or the other, seem to achieve the aims described in paragraph 9 above for all types of decision (final resolutions, decisions under Article 46 of the Convention, procedural issues, interim resolutions, and other decisions). It noted, however, that the three options differed in the number of

non-EU member States' votes that would be required to ensure adoption of a decision that was opposed by the EU and its member States, or conversely to block a decision that they supported. In some cases, this difference would be favourable to the EU's interests; in others, it would be unfavourable. Some delegations raised a concern of principle regarding the threshold required to adopt final resolutions in the 0- and 1-vote options, notwithstanding the fact that final resolutions are usually adopted without debate. It was noted that if the number of EU member States were to vary relative to that of non-EU member States within the Council of Europe, then the 0- and 1-vote options would allow greater or smaller numbers of Parties to decide the outcome of votes. It was recalled that whilst future-proofing was desirable, the future was unpredictable and therefore any solution may need to be adapted to unforeseen circumstances. In any case, paragraph 90 of the explanatory report indicated that the rules could be amended if necessary.

12. The representative of the EU considered that there was no real need to have two separate voting regimes for certain types of decision under the revised Rule 18, and that in practice a single voting regime would be enough. The CM/DH Chair could be expected to manage proceedings in such a way as to ensure effective application of the rule. It was further suggested that non-EU member States would be able to propose alternatives or amendments to proposals seen as favourable to the EU but to which they objected. In this case, the hyper-minority rule might allow such alternatives or amendments to be adopted without the support of the EU and its member States.

13. On the basis of explanations given by the Secretariat of the Committee of Ministers, some delegations felt that additional legal safeguards were needed against serious potential outcomes, even if there was no expectation that those outcomes would occur. Rule 18 as drafted in 2013 thus did not sufficiently address types of decision on which the position of the EU may vary depending on the content of a particular decision.

14. As regards the revised Rule 18, some delegations considered that the criterion for choosing which voting regime to apply was unsuitable and did not ensure a reliable safeguard.

15. The Chairperson recalled that certain new ideas had emerged during the discussions:

- A different criterion could be used for choosing between the alternative voting regimes under the revised Rule 18. This criterion would be the voting choice of the EU. Once this is known, the appropriate regime would be applied to ensure that the support of non-EU member States would be needed for either the adoption or the rejection of a decision.
- Instead of alternative voting regimes under the revised Rule 18 for procedural issues, interim resolutions, and other decisions, the accession instruments could recall that the Chair of the CM/DH should ensure that the effectiveness of Rule 18 is not undermined and give guidance to the Chair to that effect.
- The 1-vote option could be developed so that if the EU were co-respondent in a case, the EU member State that is the respondent Party would retain its vote in the Committee of Ministers on decisions concerning implementation of the judgment.
- In connection with the 0- or 1-vote options, the Accession Agreement or the explanatory report could clarify that all Parties participated in the discussion of the supervision of implementation of judgments and could express their position on draft decisions.

16. The Group asked the Secretariat to conduct a numerical analysis and prepare drafting proposals, as necessary, on a different criterion for choosing between alternative voting regimes under the revised Rule 18, on possible guidance to the CM/DH Chair concerning application of Rule 18, and on the possible development of the 1-vote option.

**Item 3: Article 6, paragraph 1 of the Accession Agreement (including relevant parts of the other accession instruments)**

17. The Secretariat of the Parliamentary Assembly confirmed that the latest proposal concerning the participation of a delegation of the European Parliament in the election of judges of the European Court of Human Rights was acceptable for the Assembly. It would allow for the continuation of normal co-operation between the Assembly and the European Parliament on other issues, whilst still providing a basis for reviewing and updating the draft agreement on the modalities of the European Parliament's participation in the election of judges that was reached between the two bodies in 2011.

18. Two delegations welcomed these clarifications, whilst noting that they did not yet have final instructions on the proposal and suggesting to return to it following receipt of instructions.

**Item 4: Proposed Article 5a of the draft Accession Agreement**

19. The positions of delegations on whether or not the agreed text should be included in an Article 5a of the draft Accession Agreement, or only in the explanatory report, had not changed since the last meeting.

**Item 5: Other business**

20. The representative of the EU updated the Group on the EU's ongoing work to find a solution to the Basket 4 issue (cases relating to the EU's Common Foreign and Security Policy). He noted that the issue would be raised at a meeting of the EU Ministers of Justice in early December.

**Item 6: Adoption of the meeting report**

21. The Group adopted the present meeting report.

**APPENDIX I****List of participants****MEMBERS / MEMBRES**

<b>ALBANIA / ALBANIE</b>	<p><b>Migena MAKISHTI</b> Department of International and European Law, Ministry for Europe and Foreign Affairs of Albania</p> <p><b>Sidita GJIPALI</b> Deputy to the Permanent Representative, Permanent Mission of Albania to the Council of Europe</p>
<b>ANDORRA / ANDORRE</b>	<p><b>Joan FORNER ROVIRA</b> Permanent Representative of Andorra to the Council of Europe</p>
<b>ARMENIA / ARMÉNIE</b>	<p><b>Karine VARDANYAN</b> Attaché of the Department of Treaties and International Law, Ministry of Foreign Affairs of Armenia</p>
<b>AUSTRIA / AUTRICHE</b>	<p><b>Aloisia WÖRGETTER</b> Ambassador, Permanent Representative, Permanent Representation of Austria to the Council of Europe</p> <p><b>Brigitte OHMS</b> Deputy Government Agent of Austria, Deputy Head of Department, European and International Law, Human Rights, Federal Chancellery</p>
<b>AZERBAIJAN / AZERBAIDJAN</b>	<p><b>Saadat NOVRUZOVA</b> Head of the Human Rights Protection Unit of the Law Enforcement Bodies Department of the Administration of the President of the Republic of Azerbaijan</p>
<b>BELGIUM / BELGIQUE</b>	<p><b>Marie SNEYERS</b> Attaché Legal Adviser – EU Coordination, Permanent Representation of Belgium to the European Union</p> <p><b>Olivier SACALIS</b> Attaché, Service Privacy et égalité des chances</p>
<b>BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE</b>	<p><b>Jelena CVIJETIC</b> Acting Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights</p> <p><b>Harisa BACVIC</b> Acting Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights</p>
<b>BULGARIA / BULGARIE</b>	<p><b>Aleksandra DIMITROVA</b> Deputy to the Permanent Representative Permanent Representation of Bulgaria to the Council of Europe</p>

<b>CROATIA / CROATIE</b>	<b>Narcisa BEĆIREVIĆ</b> Deputy to the Permanent Representative, Permanent Representation of the Republic of Croatia to the Council of Europe
<b>CYPRUS / CHYPRE</b>	<b>Aphrodite GREGORIOU</b> Counsel of the Republic, Law Office of the Republic of Cyprus
<b>CZECH REPUBLIC / REPUBLIQUE TCHÈQUE</b>	<b>Dominika CZECHOVÁ</b> Lawyer, Permanent Representation of the Czech Republic to the EU
<b>DENMARK / DANEMARK</b>	<b>Christine BERG</b> Legal Consultant, The Ministry of Justice, Constitutional and Human Rights Law Division
<b>ESTONIA / ESTONIE</b>	<b>Helen-Brigita SILLAR</b> Lawyer, Legal Department, Ministry of Foreign Affairs
<b>FINLAND / FINLANDE</b>	<b>Maria GUSEFF</b> Director, Unit for EU and Treaty Law, Legal Service, Ministry for Foreign Affairs  <b>Satu SISTONEN</b> Legal Counsellor, Unit for Human Rights Courts and Conventions, Legal Service, Ministry for Foreign Affairs  <b>Krista OINONEN</b> Director, Unit for Human Rights Courts and Conventions, Agent of the Government of Finland before the European Court of Human Rights, Legal Service, Ministry for Foreign Affairs
<b>FRANCE</b>	<b>Bathilde RICHOUX</b> Consultante juridique pour la Direction des Affaires Juridiques du ministère de l'Europe et des Affaires Etrangères  <b>Emmanuel LECLERC</b> Ministère de l'Europe et des Affaires étrangères, Direction des affaires juridiques, Sous-direction du droit de l'Union européenne et du droit international économique
<b>GEORGIA / GEORGIE</b>	<b>Nino MICHIDZE</b> First category chief specialist in EU law department, Ministry of Justice of Georgia
<b>GERMANY / ALLEMAGNE</b>	<b>Hans-Jörg BEHRENS</b> Head of Unit IVC1, Human Rights Protection, Government Agent before the ECtHR, Federal Ministry of Justice  <b>Kathrin MELLECH</b> Legal Advisor, Federal Ministry of Justice
<b>GREECE / GRÈCE</b>	<b>Athina CHANAKI</b> Legal Counsellor, Legal Department/Public International Law Section, Ministry of Foreign Affairs of the Hellenic Republic

<b>HUNGARY / HONGRIE</b>	<b>Monika WELLER</b> Co-agent before European Court of Human Rights, Ministry of Justice
<b>ICELAND / ISLANDE</b>	<b>Sandra LYNGDORF</b> Deputy to the Permanent Representative of Iceland to the Council of Europe, Legal Advisor
<b>IRELAND / IRLANDE</b>	<b>Barra LYSAGHT</b> Assistant Legal Adviser, Legal Division, Department of Foreign Affairs, Dublin
<b>ITALY / ITALIE</b>	<b>Arturo ARCANO</b> Deputy Permanent Representative of Italy to the Council of Europe
<b>LATVIA / LETTONIE</b>	<b>Elīna Luīze VĪTOLA</b> Head of Office of the Representative of Latvia before International Human Rights Institutions, Ministry of Foreign Affairs of the Republic of Latvia
<b>LIECHTENSTEIN</b>	<b>Helen LOREZ-SCHWEIG</b> Deputy Permanent Representative, Permanent Representation of Liechtenstein
<b>LITHUANIA / LITUANIE</b>	<b>Karolina BUBNYTĖ-ŠIRMENĖ</b> Government Agent of the Republic of Lithuania to the European Court of Human Rights  <b>Lina URBAITĖ</b> Senior Adviser, Ministry of Justice of the Republic of Lithuania
<b>LUXEMBOURG</b>	<b>Brigitte KONZ</b> Présidente du Tribunal, Tribunal d'Arrondissement de Diekirch  <b>Robert BEVER</b> Conseiller – Coordination Justice et Affaires intérieures
<b>MALTA / MALTE</b>	<b>Andria BUHAGIAR</b> Deputy State Advocate, Office of the State Advocate
<b>REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA</b>	<b>Mihaela MARTINOV-GUCEAC</b> Deputy to the Permanent Representative of the Republic of Moldova to the Council of Europe
<b>MONACO</b>	<b>Gabriel REVEL</b> Représentant Permanent adjoint de Monaco auprès du Conseil de l'Europe
<b>MONTENEGRO</b>	<b>Valentina PAVLICIC</b> Representative of Montenegro before the European Court of Human Rights
<b>NETHERLANDS / PAYS-BAS</b>	<b>Liesbeth A CAMPO</b> Legal adviser, Permanent Representation of the Kingdom of the Netherlands to the European Union

	<p><b>Babette KOOPMAN</b> Government Agent before the ECtHR, Ministry of Foreign Affairs</p> <p><b>Guus DE VRIES</b> Legal adviser, European Law department, Ministry of Foreign Affairs of the Netherlands</p>
<b>NORTH MACEDONIA / MACÉDOINE DU NORD</b>	<p><b>Elena BODEVA</b> Head of Council of Europe Unit, Directorate for Multilateral Relations, Ministry of Foreign Affairs of the Republic of North Macedonia</p>
<b>NORWAY / NORVÈGE</b>	<p><b>Tonje MEINICH</b> Deputy Director General, Legislation Department, Ministry of Justice and Public Security, <b>Chair of the “46+1 Group”</b></p> <p><b>Helge SELAND</b> Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Norway to the Council of Europe</p> <p><b>Steinar TRÆT</b> Advisor, Legislation Department Section for Criminal and Procedural Law</p> <p><b>Tone Cecilia LANG</b> Chargée d'affaires, Permanent Representation of Norway to the Council of Europe</p> <p><b>Ketil Bøe MOEN</b> Director General, Legislation Department, Ministry of Justice and Public Security</p>
<b>POLAND / POLOGNE</b>	<p><b>Agata ROGALSKA-PIECHOTA</b> Co-Agent of the Government of Poland in cases and proceedings before the European Court of Human Rights, Head of Criminal Proceedings Section, Legal and Treaty Department, Ministry of Foreign Affairs</p> <p><b>Agata PIENKOSZ</b> expert for complaint mechanisms, Legal and Treaty Department, Ministry of Foreign Affairs</p> <p><b>Justyna SOBKIEWICZ</b> 2nd secretary for legal and institutional matters, Department of Institutional and Legal Affairs, Permanent Representation of the Republic of Poland to the EU</p>
<b>PORTUGAL</b>	<p><b>João Arsénio de OLIVEIRA</b> Head of Department, European Affairs Coordinator of the Directorate-General for Justice Policy – Ministry of Justice</p>
<b>ROMANIA / ROUMANIE</b>	<p><b>Cornelia ZEINEDDINE</b> Second secretary, Treaties Division, Ministry of Foreign Affairs of Romania</p>

	<b>Adriana-Mihaela BĂRBIERU</b> Deputy to the Permanent Representative of Romania to the Council of Europe
<b>SAN MARINO / SAINT-MARIN</b>	excused
<b>SERBIA / SERBIE</b>	excused
<b>SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE</b>	<b>Marián FILČÍK</b> Head of Human Rights Division, Secretary of the Governmental Council for Human Rights, National Minorities and Equal Treatment, Ministry of Justice of the Slovak Republic
<b>SLOVENIA / SLOVENIE</b>	<b>Helmut HARTMAN</b> Legal advisor and co-agent ECHR Permanent Representation of the Republic of Slovenia to the Council of Europe  <b>Irena VOGRINCIC</b> Senior legal advisor, Ministry of Justice of the Republic of Slovenia, Office for International Cooperation and Mutual Legal Assistance
<b>SPAIN / ESPAGNE</b>	<b>José Antonio JURADO RIPOLL</b> State Attorney General
<b>SWEDEN / SUEDE</b>	<b>Victor HAGSTEDT</b> Deputy Director, Ministry for Foreign Affairs
<b>SWITZERLAND / SUISSE</b>	<b>Alain CHABLAIS</b> Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Agent du Gouvernement suisse devant la Cour européenne des droits de l'Homme  <b>Daniel FRANK</b> Département fédéral des affaires étrangères DFAE, Direction du droit international public DDIP, Chef de la Section droits de l'homme  <b>Cordelia EHRICH</b> av., Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ  <b>Silvia GASTALDI</b> Dr. iur., Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ  <b>Christoph SPENLÉ</b> Département fédéral des affaires étrangères DFAE, Direction du droit international public DDIP, Chef suppléant de la Section droits de l'homme  <b>Nicola HOFER</b> Département fédéral des affaires étrangères, Secrétariat d'Etat Section Droits et accords

	<p><b>Sophie HEEGAARD-SCHROETER</b> Adjointe au Représentant permanent de la Suisse auprès du Conseil de l'Europe</p>
<b>TÜRKIYE/ TÜRKIYE</b>	<p><b>Esra DOGAN-GRAJOVER</b> Deputy Permanent Representative, Permanent Representation of Türkiye to Council of Europe</p> <p><b>Aysen EMÜLER</b> Legal expert, Permanent Representation of Türkiye to Council of Europe</p> <p><b>Naz TÛFEKÇIYASAR ULUDAĞ</b> Deputy to the Permanent Representative, Permanent Representation of Türkiye to Council of Europe</p>
<b>UKRAINE</b>	excused
<b>UNITED KINGDOM / ROYAUME-UNI</b>	<p><b>Patricia ZIMMERMANN</b> Head of International Human Rights, Ministry of Justice</p> <p><b>Debra GERSTEIN</b> Legal Adviser, Europe and Human Rights, Foreign, Commonwealth and Development Office</p> <p><b>Beth MACLELLAN</b> Human Rights Policy Advisor, Ministry of Justice</p> <p><b>Fifi ROBERTS</b> Lawyer, Ministry of Justice Legal Advisers</p> <p><b>Sarah ANELAY</b> Deputy Head of European Human Rights Institutions, Foreign, Commonwealth and Development Office</p> <p><b>Stelios KYRIAKIDES</b> Head of European Human Rights Institutions, Foreign, Commonwealth and Development Office</p> <p><b>Daniel BREGER</b> Legal Counsellor, United Kingdom Delegation to the Council of Europe</p>
<b>EUROPEAN UNION / UNION EUROPEENNE</b>	<p><b>Felix RONKES AGERBEEK</b> Member of the Legal Service, Head of the Negotiating Team, European Commission</p> <p><b>Mihaela CARPUS CARCEA</b> Member of the Legal Service, European Commission</p> <p><b>Per IBOLD</b> Minister Counsellor, Deputy to the Head of Delegation, EEAS</p> <p><b>Milena YOTOVA</b> Desk Officer, EEAS</p>

	<p><b>Efthymios TZIOKAS</b> Expert Counsellor, Political and Legal Advisor at the Delegation of the European Union to the Council of Europe</p> <p><b>Dora SCHAFFRIN</b> Member of the Legal Service, European Commission</p> <p><b>Yumi CODRUS FUJITA</b> Legal Affairs Trainee at the Delegation of the European Union to the Council of Europe</p> <p><b>Manon BAERT</b> Legal Trainee</p>
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**OBSERVERS / OBSERVATEURS**

<b>PRIVATE OFFICE / CABINET</b>	<b>Matthias KLOTH</b> Adviser, Private Office / Conseiller, Cabinet
<b>REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS / GREFFE DE LA COUR EUROPEENNE DES DROITS DE L'HOMME</b>	<b>Johan CALLEWAERT</b> Deputy Grand Chamber Registrar / Greffier Adjoint de la Grande Chambre
<b>DIRECTORATE OF LEGAL ADVICE AND PUBLIC INTERNATIONAL LAW / DIRECTION DU CONSEIL JURIDIQUE ET DU DROIT INTERNATIONAL PUBLIC</b>	<b>Irene SUOMINEN</b> Directorate of Legal Advice and Public International Law (DLAPIL), Council of Europe  <b>Alina OROSAN</b> Chairperson of the Committee on Legal Advisers in Public International Law (CAHDI)
<b>COMMITTEE OF MINISTERS / COMITE DES MINISTRES</b>	<b>Zoe BRYANSTON-CROSS</b> Secretariat of the Committee of Ministers
<b>PARLIAMENTARY ASSEMBLY / ASSEMBLÉE PARLEMENTAIRE</b>	<b>Guenter SCHIRMER</b> Secretary of the Committee on Legal Affairs and Human Rights and the Committee on the Election of Judges to the European Court of Human Rights

**SECRETARIAT / SECRETARIAT**

<b>DG I – Human Rights and Rule of Law / Droits de l'Homme et État de droit</b> <i>Council of Europe</i>	<b>Daniele CANGEMI</b> Head of Department, Department for Human Rights, Justice and Legal Cooperation Standard Setting activities / Chef de service, Service des activités normatives en matière de droits de l'homme, justice et coopération juridique
<b>DG I – Human Rights and Rule of Law / Droits de l'Homme et État de droit</b> <i>Council of Europe</i>	<b>David MILNER</b> Head of the Human Rights Intergovernmental Co-operation Division, Secretary of the CDDH <i>ad hoc</i> negotiation group on the accession of the European Union to the European Convention on Human Rights / Chef de la Division de la Coopération intergouvernementale en

	matière des droits de l'homme, Secrétaire du Groupe de négociation ad hoc du CDDH sur l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme
<b>DG I – Human Rights and Rule of Law / Droits de l' Homme et État de droit</b> <i>Council of Europe</i>	<b>Yanna PARNIN</b> Programme manager, Human Rights Intergovernmental Co-operation Division / Chargée de projet, Division de la Coopération intergouvernementale en matière des droits de l'homme
<b>DG I – Human Rights and Rule of Law / Droits de l' Homme et État de droit</b> <i>Council of Europe</i>	<b>Sorina LECLER</b> Human Rights Intergovernmental Co-operation Division / Division de la Coopération intergouvernementale en matière des droits de l'homme

**INTERPRETERS / INTERPRÈTES**

Lucie DE BURLET

Grégoire DEVICTOR

Barbara GRUT

**APPENDIX II****Agenda / Ordre du jour**

<b>1. Opening of the meeting and adoption of the agenda</b>	<b>1. Ouverture de la réunion et adoption de l'ordre du jour</b>
<b>2. Issues relating to Article 7 of the Accession Agreement (including the relevant parts of the other accession instruments)</b>	<b>2. Questions relatives à l'article 7 de l'accord d'adhésion (y compris les parties pertinentes des autres instruments d'adhésion)</b>
<b>3. Article 6, paragraph 1 of the Accession Agreement (including the relevant parts of other accession instruments)</b>	<b>4. L'article 6, paragraphe 1 de l'accord d'adhésion (y compris les parties pertinentes d'autres instruments d'adhésion)</b>
<b>4. Proposed Article 5a of the draft Accession Agreement</b>	<b>4. Proposition de l'Article 5a du projet d'accord d'adhésion</b>
<b>5. Other business</b>	<b>5. Questions diverses</b>
<b>6. Adoption of the meeting report</b>	<b>6. Adoption du rapport de réunion</b>

**Working documents / Documents de travail**

Draft revised agreement on the accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms <a href="#">CM(2013)93 add1, Appendix 1, pp. 3-9</a>	Projet révisé d'accord portant adhésion de l'Union européenne à la Convention de sauvegarde des droits de l'homme et des libertés fondamentales <a href="#">CM(2013)93 add1, Annexe 1, pp. 3-9</a>
Draft declaration by the European Union to be made at the time of signature of the Accession Agreement <a href="#">CM(2013)93 add1, Appendix 2, p. 10</a>	Projet de déclaration de l'Union européenne à faire au moment de la signature de l'Accord d'adhésion <a href="#">CM(2013)93 add1, Annexe 2, p. 10</a>
Draft rule to be added to the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements in cases to which the European Union is a party <a href="#">CM(2013)93 add1, Appendix 3, p. 11</a>	Projet de règle à ajouter aux Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables dans des affaires auxquelles l'Union européenne est partie <a href="#">CM(2013)93 add1, Annexe 3, p. 11</a>
Draft model of memorandum of understanding between the European Union and X [State which is not a member of the European Union] <a href="#">CM(2013)93 add1, Appendix 4, p. 12</a>	Projet de mémorandum d'accord entre l'Union européenne et X [Etat non-membre de l'Union européenne] <a href="#">CM(2013)93 add1, Annexe 4, p. 12</a>

Draft explanatory report to the Agreement on the Accession of the European Union to the Convention for the Protection of Human Rights and Fundamental Freedoms <a href="#">CM(2013)93 add1, Appendix 5, pp. 13-28</a>	Projet de rapport explicatif à l'Accord portant adhésion de l'Union européenne à la Convention de sauvegarde des droits de l'homme et des libertés fondamentales <a href="#">CM(2013)93 add1, Annexe 5, pp. 13-28</a>
Position paper for the negotiation on the European Union's accession to the European Convention for the protection of Human Rights and Fundamental Freedoms <a href="#">47+1(2020)1</a>	Document de prise de décision pour la négociation de l'adhésion de l'Union européenne à la Convention de sauvegarde des droits de l'homme et des libertés fondamentales <a href="#">47+1(2020)1</a>
Paper by the Chair to structure the discussion at the 6 <sup>th</sup> negotiation meeting <a href="#">47+1(2020)2</a>	Document de la Présidente visant à structurer la discussion lors de la sixième réunion du groupe de négociation <a href="#">47+1(2020)2</a>
Compilation by the Secretariat of recent cases in the area of Basket 3 ("The principle of mutual trust between the EU member states") <a href="#">47+1(2020)4rev</a>	Compilation par le Secrétariat des affaires récentes dans le domaine du panier 3 ("Le principe de la confiance mutuelle entre les États membres de l'UE") <a href="#">47+1(2020)4rev</a>
Negotiation Document submitted by the European Union on 2 November 2020 ( <i>restricted</i> )	Document de négociation présenté par l'Union européenne le 2 novembre 2020 ( <i>restreint</i> )
Compilation by the European Commission of recent and currently pending cases before the Court of Justice of the European Union in the area of Basket 4 ("Common Foreign and Security Policy") <a href="#">Non-paper</a>	Compilation par la Commission européenne des affaires récentes et en cours devant la Cour de justice de l'Union européenne dans le domaine du panier 4 ("Politique étrangère et de sécurité commune") <a href="#">Non-papier</a>
Proposals by the Secretariat for discussion of agenda items 4 and 5 [ <i>refers to the 8<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)5</a>	Propositions du Secrétariat pour la discussion des points 4 et 5 de l'ordre du jour ( <i>fait référence à la 8<sup>ème</sup> réunion</i> ) <a href="#">47+1(2021)5</a>
Non-paper prepared by the Secretariat regarding the estimated expenditure related to the Convention regarding Article 8 of the draft Accession Agreement <a href="#">47+1(2021)6</a>	Non-papier préparé par le Secrétariat concernant l'estimation des dépenses liées à la Convention concernant l'article 8 du projet d'accord d'adhésion <a href="#">47+1(2021)6</a>
Proposals by the Secretariat for the discussion on Basket 1 ("The EU's specific mechanisms of the procedure before the European Court of Human Rights") [ <i>for the 10<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)7</a>	Proposition présentée par le Secrétariat pour la discussion sur le Panier 1 ("les mécanismes spécifiques de la procédure de l'UE devant la Cour européenne des droits de l'homme") [ <i>pour la 10<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)7</a>
Proposals by the Secretariat for the discussion on Basket 3 ("The principle of mutual trust between the EU member states") [ <i>for the 10<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)8</a>	Proposition présentée par le Secrétariat pour la discussion sur le Panier 3 ("le principe de confiance mutuelle entre États membres de l'UE") [ <i>pour la 10<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)8</a>
Proposal prepared by the Norwegian delegation on "Inter-Party applications under Article 33 of the European Convention of Human Rights" [ <i>for the 10<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)9</a>	Proposition préparée par la délégation norvégienne sur « Les requêtes entre Parties au titre de l'article 33 de la Convention européenne des droits de l'Homme » [ <i>pour la 10<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)9</a>
Revised proposal on "Inter-Party applications under Article 33 of the European Convention of Human	Proposition révisée sur les « requêtes entre Parties en vertu de l'article 33 de la Convention européenne

Rights” by the Norwegian delegation and the Secretariat [ <i>for the 11<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)10</a>	des droits de l'homme » par la délégation norvégienne et le Secrétariat [ <i>pour la 11<sup>ème</sup> réunion</i> ] <a href="#">47+1 (2021)10</a>
Revised proposals by the Secretariat on issues contained in Basket 3 (“The principle of mutual trust between the EU member states”) [ <i>for the 11<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)11</a>	Propositions révisées du Secrétariat sur les questions contenues dans le panier 3 (« Le principe de la confiance mutuelle entre les Etats membres de l'UE ») [ <i>pour la 11<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)11</a>
Revised proposals by the Secretariat on certain issues contained in Basket 1 (“The EU’s specific mechanisms of the procedure before the European Court of Human Rights”) [ <i>for the 11<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)12</a>	Propositions révisées du Secrétariat sur certaines questions contenues dans le Panier 1 (« Les mécanismes spécifiques de la procédure de l'UE devant la Cour européenne des droits de l'homme ») <a href="#">47+1(2021)12</a>
Revised proposals by the Secretariat on issues contained in Basket 3 (“The principle of mutual trust between the EU member states”) [ <i>for the 12<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)14</a>	Propositions révisées du Secrétariat sur les questions contenues dans le panier 3 (« Le principe de la confiance mutuelle entre les Etats membres de l'UE ») [ <i>pour la 12<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)14</a>
Background paper by the Secretariat on scenarios in the context of Article 7 of the draft Accession Agreement [ <i>for the 12<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)15</a>	Document de référence du Secrétariat sur les scénarios dans le contexte de l'article 7 du projet d'Accord d'adhésion [ <i>pour la 12<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)15</a>
Overview of treaty clauses on EU voting rights in Council of Europe treaties – background paper prepared by DLAPIL [ <i>for the 12<sup>th</sup> meeting</i> ] <a href="#">Non-paper</a>	Aperçu des clauses relatives aux droits de vote de l'UE dans les traités du Conseil de l'Europe - document de référence préparé par DLAPIL [ <i>pour la 12<sup>ème</sup> réunion</i> ] <a href="#">Non-papier</a>
Proposals by the European Union on the situation of EU acts in the area of the Common Foreign and Security Policy that are excluded from the jurisdiction of the Court of Justice of the European Union (Basket 4) [ <i>for the 12<sup>th</sup> meeting</i> ] ( <i>restricted</i> )	Propositions de l'UE sur la situation des actes de l'UE dans le domaine de la politique étrangère et de sécurité commune qui sont exclus de la juridiction de la Cour de justice de l'Union européenne (Panier 4) [ <i>pour la 12<sup>ème</sup> réunion</i> ] ( <i>restreint</i> )
Proposals and Amendments submitted by the EU Delegation regarding the procedure for initiating the co-respondent mechanism [ <i>for the 12<sup>th</sup> meeting</i> ] <a href="#">47+1(2021)16</a>	Propositions et amendements soumis par la délégation de l'UE concernant la procédure de déclenchement du mécanisme de co-défendeur [ <i>pour la 12<sup>ème</sup> réunion</i> ] <a href="#">47+1(2021)16</a>
Revised proposals by the Secretariat for the termination of the co-respondent mechanism (Article 3, paragraph 5a. of the draft Accession Agreement) and other remaining issues in Basket 1 [ <i>for the 13<sup>th</sup> meeting</i> ] <a href="#">47+1(2022)18</a>	Propositions révisées du Secrétariat relatives à la fin du mécanisme de codéfendeur (article 3, paragraphe 5a. du projet d'accord d'adhésion) et autres questions restantes dans le panier 1 [ <i>pour la 13<sup>ème</sup> réunion</i> ] <a href="#">47+1(2022)18</a>
Document by the Secretariat on the state of play of the proposals for Basket 2 [ <i>for the 13<sup>th</sup> meeting</i> ] <a href="#">47+1(2022)19</a>	Document du Secrétariat sur l'état d'avancement des propositions pour le panier 2 [ <i>pour la 13<sup>ème</sup> réunion</i> ] <a href="#">47+1(2022)19</a>
Text proposals and amendments submitted by Turkey regarding the revision of Articles 6, 7 and 8 of the Accession Agreement including the relevant parts of the other accession instruments [ <i>for the 13<sup>th</sup> meeting</i> ] ( <i>restricted</i> )	Propositions de texte et amendements soumis par la Turquie concernant la révision des articles 6, 7 et 8 de l'accord d'adhésion, y compris les parties pertinentes des autres instruments d'adhésion [ <i>pour la 13<sup>ème</sup> réunion</i> ] ( <i>restreint</i> )

Numerical analysis by the Secretariat of the effects of the different majorities being proposed under the proposal to amend Rule 18 [for the 14 <sup>th</sup> meeting] (restricted)	Analyse numérique par le Secrétariat des effets des différentes majorités proposées dans le cadre de la proposition de modification de l'article 18 [pour la 14 <sup>ème</sup> réunion] (restreint)
Proposal by the Secretariat on "Inter-Party applications under Article 33 of the European Convention of Human Rights" [for the 14 <sup>th</sup> meeting] <a href="#">46+1(2022)22</a>	Proposition du Secrétariat sur les « Requêtes entre les Parties au titre de l'article 33 de la Convention européenne des droits de l'homme » [pour la 14 <sup>ème</sup> réunion] <a href="#">46+1(2022)22</a>
Proposal by the EU Delegation on "Requests for an advisory opinion pursuant to Protocol No. 16" [for the 14 <sup>th</sup> meeting] <a href="#">46+1(2022)23</a>	Proposition de la délégation de l'UE sur les « Demandes d'avis consultatif au titre du Protocole n° 16 » [pour la 14 <sup>ème</sup> réunion] <a href="#">46+1(2022)23</a>
EU accession to the ECHR and election of judges – background paper prepared by DLAPIL <a href="#">46+1(2022)24</a>	Adhésion de l'UE à la CEDH et élection des juges - document de référence préparé par DLAPIL <a href="#">46+1(2022)24</a>
Background Paper by the Secretariat on issues relating to Article 7 of the Accession Agreement and relevant parts of the other accession instruments [for the 15 <sup>th</sup> meeting] <a href="#">46+1(2022)25</a>	Document de référence du Secrétariat sur les questions relatives à l'article 7 de l'accord d'adhésion et aux parties pertinentes des autres instruments d'adhésion [pour la 15 <sup>ème</sup> réunion] <a href="#">46+1(2022)25</a>
Legal opinion prepared by DLAPIL: "Laying down voting rules in the Committee of Ministers' Rules for the supervision of the execution of judgments and of the terms of friendly settlement instruments" [for the 15 <sup>th</sup> meeting] <a href="#">DLAPIL21/2022 JP/IS</a>	Avis juridique préparé par DLAPIL : « Établissement des règles de vote dans les Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables » [pour la 15 <sup>ème</sup> réunion] <a href="#">DLAPIL21/2022 JP/IS</a>
Possible drafting proposals for and analysis of the consequences of the various options in relation to voting by the Committee of Ministers under Article 7, paragraph 4 of the Accession Agreement (document prepared by the Secretariat) [for the 16 <sup>th</sup> meeting] <a href="#">46+1(2022)27corr</a>	Éventuelles propositions de rédaction et analyse des conséquences des diverses options relatives au vote au sein du Comité des Ministres en vertu de l'Article 7, paragraphe 4 de l'accord d'adhésion (document préparé par le Secrétariat) [pour la 16 <sup>e</sup> réunion] <a href="#">46+1(2022)27corr</a>
Consolidated version of the draft Accession Instruments (as of 7 October 2022) <a href="#">46+1(2022)28REV</a>	Version consolidée des projets d'instruments d'adhésion (au 7 octobre 2022) <a href="#">46+1(2022)28REV</a>

### Reference documents / Documents de référence

CDDH(2010)008 Ad hoc terms of reference concerning accession of the EU to the Convention given to the CDDH by the Ministers' Deputies during their 1085 <sup>th</sup> meeting (26 May 2010)	CDDH(2010)008 Mandat occasionnel du Comité directeur pour les droits de l'homme (CDDH) adopté par le Comité des Ministres du Conseil de l'Europe le 26 mai 2010
Decision by the Minister's Deputies Committee of Ministers at its 1364 <sup>th</sup> meeting (15 January 2020) on the continuation of the ad hoc terms of reference for the CDDH to finalise the legal instruments setting out the	Décision des Délégués des Ministres du Conseil de l'Europe à leur 1364 <sup>e</sup> réunion (15 janvier 2020) pour la prolongation du mandat occasionnel du CDDH pour finaliser les instruments juridiques établissant

modalities of accession of the European union to the European Convention on Human Rights <a href="#">CM/Del/JAN(2020)1364/4.3</a>	les modalités d'adhésion de l'Union européenne à la Convention européenne des droits de l'homme <a href="#">CM/Del/Dec(2020)1364/4.3</a>
Letter of 31 October 2019 by the President and the First Vice-President of the European Commission to the Secretary General of the Council of Europe <a href="#">DD(2019)1301</a>	Lettre du Président et du Premier Vice-Président de la Commission européenne à la Secrétaire Générale du Conseil de l'Europe, datée du 31 octobre 2019 (anglais uniquement) <a href="#">DD(2019)1301</a>
Opinion 2/13 of 18 December 2014 of the Court of Justice of the European Union <a href="#">A-2/13 ; EC LI: EU: C : 2014: 2454</a>	Avis 2/13 de la Cour européenne de justice (CEJ) du 18 décembre 2014 <a href="#">A-2/13 ; EC LI: EU: C : 2014: 2454</a>
Protocol No. 16 to the European Convention on Human Rights and its <a href="#">explanatory memorandum</a> <a href="#">Council of Europe Treaty Series No. 214</a>	Protocole n° 16 à la Convention Européenne des Droits de l'Homme et son <a href="#">rapport explicatif</a> <a href="#">Série des Traités du Conseil de l'Europe n° 214</a>