

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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# **CONFERENCE OF PARTICIPANTS OF THE REGISTER OF DAMAGE CAUSED BY THE AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE**

## **1st meeting**

Strasbourg, 27 June 2023

Hybrid<sup>1</sup>, Palais de l'Europe, room 3

## **Rules of Procedure of the Conference of Participants of the Register of Damage caused by the aggression of the Russian Federation against Ukraine**

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<sup>1</sup>. Hybrid meeting: the participants will have the possibility to follow the meeting via KUDO or to be present in the meeting room in Strasbourg / *Les participants auront la possibilité de suivre la réunion par le biais de KUDO ou être présent en salle de réunion à Strasbourg*

## **Rules of Procedure of the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine**

*(Adopted by the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 27 June 2023 at its 1st meeting)*

The Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (hereinafter referred to as “the Conference”),

Having regard to the Statute of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (hereinafter referred to as “the Statute”),

Pursuant to Article 5, paragraph 5 of the Statute,

Adopts the present rules of procedure:

### **Rule 1 – Functions**

Pursuant to Article 5, paragraph 3 of the Statute, the Conference shall:

- a. have overall responsibility for the fulfilment of the mandate of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (hereinafter referred to as “the Register”);
- b. recommend to Participants and Associate Members measures to advance the aims of the Register;
- c. approve the rules and regulations proposed by the Board of the Register for governing the work of the Register;
- d. appoint the members of the Board of the Register;
- e. designate the Executive Director upon a proposal by the Government of Ukraine;
- f. adopt the annual budget of the Register;
- g. adopt the annual activity report of the Register;
- h. perform any other function vested in it by the Statute.

### **Rule 2 – Composition**

#### *1. Participants*

- a. Pursuant to Article 5, paragraph 1 of the Statute, each Participant to the Register shall appoint one representative to take part in the Conference.
- b. Participants to the Register shall endeavour to appoint, as their representatives in the Conference, experts of the highest possible rank in the areas to be covered by the Register.
- c. Participants shall promptly notify the Executive Director of the Register of the nomination of their representative and of any change in the nomination of their representative.
- d. Travel and accommodation costs relating to the Conference shall be borne by each Participant.

#### *2. Associate Members*

- a. Pursuant to Article 5, paragraph 6 of the Statute, each Associate Member of the Register may appoint one representative to take part in the Conference.

- b. Associate Members of the Register shall endeavour to appoint, as their representatives in the Conference, experts of the highest possible rank in the areas to be covered by the Register.
- c. Associate Members shall promptly notify the Executive Director of the Register of the nomination of their representative and of any change in the nomination of their representative.
- d. Travel and accommodation costs relating to the Conference shall be borne by each Associate Member.

### 3. *Participation of the Secretary General*

The Secretary General of the Council of Europe may participate or be represented in the meetings of the Conference without the right to vote.

### 4. *Others*

- a. The Conference may invite representatives of the following Council of Europe bodies to attend its meetings or a part of its meetings, without voting rights, according to the items on its agenda:
  - i) the Committee of Ministers of the Council of Europe;
  - ii) the Parliamentary Assembly of the Council of Europe;
  - iii) the Congress of Local and Regional Authorities of the Council of Europe;
  - iv) the European Court of Human Rights;
  - v) the Council of Europe Commissioner for Human Rights;
  - vi) the Conference of International Non-Governmental Organisations of the Council of Europe;
  - vii) any other Council of Europe body whose expertise may be relevant for the work of the Register.
- b. Where applicable, the defrayal of expenses of these participants shall be governed by the rules or terms of reference of the institutions and bodies listed above.
- c. The Conference may invite representatives of international organisations and other relevant international bodies, whose expertise may be relevant for the work of the Register, to attend its meetings or a part of its meetings, without the right to vote and defrayal of expenses, according to the items on its agenda or with a view to ensure the fulfilment of the Register's mandate or advancement of its aims.
- d. The Conference may invite representatives of civil society, such as non-governmental organisations active in the area of protection of victims and/or representing victims, and in other areas of interest for and expertise in the work of the Register, to attend its meetings or a part of its meetings, without the right to vote, according to the items on its agenda.
- e. The Conference may also invite experts to be present for specific items of its agenda, on the basis of their specific expertise, without the right to vote.

### **Rule 3 – Chair and Vice-Chairs**

- 1. The Conference shall elect a Chair and a first and second Vice-Chair from among its Participants and Associate Members entitled to vote.
- 2. The term of office of the Chair and Vice-Chairs shall be three years.
- 3. Election of the Chair and Vice-Chairs shall require a two-thirds majority of the Participants and Associate Members entitled to vote at the first ballot, a simple majority of the

Participants and Associate Members entitled to vote at the second ballot, and the highest number of votes at the third ballot.

4. The elections are held by secret ballot, unless the Conference decides otherwise by unanimity.
5. The Chair shall conduct proceedings and sum up the conclusions whenever she/he thinks necessary. She/he may call to order a speaker who departs from the subject under discussion or from the Conference's functions set out in Rule 1. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the Conference. The Chair shall perform all other functions conferred upon her/him by these Rules of Procedure, by the Conference or by the Statute.
6. The first Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside over the meeting. If the first Vice-Chair is absent, the Chair shall be replaced by the second Vice-Chair or, in the absence of both Vice-Chairs, by a Participant or an Associate Member enjoying the full range of rights of Participants appointed by the Conference.

#### **Rule 4 – Bureau of the Conference**

1. The Chair and Vice-Chairs shall function as the Bureau of the Conference.
2. The functions of the Bureau are:
  - to assist the Chair in conducting the Conference's business;
  - to supervise the preparation of meetings at the Conference's request;
  - to ensure continuity between meetings as necessary;
  - to execute other additional specific tasks delegated by the Conference and vested in it by the Statute.
3. No decision on substantive issues shall be taken by the Bureau on behalf of the Conference, unless otherwise decided by the latter.
4. In exceptional cases and due to time constraints, the Bureau may have recourse to the approval of a decision by the Conference by written procedure, in order to expedite the Conference's work.

#### **Rule 5 – Secretariat**

The Secretariat of the Conference shall consist of the Executive Director of the Register and the Secretariat of the Register.

#### **Rule 6 – Languages**

1. The official languages of the Conference shall be English and French.
2. A Conference member may speak in a language other than the official languages, in which case she/he must herself/himself provide for interpretation into one of the official languages.
3. Any document written in a language other than the official languages shall be translated into one of the official languages, upon the responsibility of the Participant, Associate Member or other submitting the document to the Conference.

#### **Rule 7 – Convening meetings and venue of meetings**

1. The Conference shall meet as often as is necessary for the exercise of the functions of the Register as set out in Rule 1, but at least once a year. Between meetings, the

Conference may, if necessary, exercise its decision-making through written procedure. The Executive Director of the Register shall ensure that meetings are planned, convened and serviced as efficiently and economically as possible.

2. The Executive Director shall notify the representatives of the Participants and of the Associate Members of the date, place and opening time of the meeting, its probable duration and the subjects to be dealt with, as well as any other practical modalities. Convocations shall be circulated, except on grounds of urgency which shall be duly explained, at least six weeks prior to the meeting.
3. Meetings of the Conference shall normally be convened at the Seat of the Register or at the premises of the Council of Europe. Exceptionally, the Secretary General of the Council of Europe may authorise, if there is no objection from the government of the State on whose territory it is intended to hold the meeting and if suitable technical facilities are available on-the-spot, to convene a meeting of the Conference elsewhere, in accordance with the principles of sound management and within the resources available.
4. Meetings may be held in hybrid format or by videoconference. The proposal to hold a plenary meeting by videoconference only shall be made by the Chair, in consultation with the Bureau, or by the Executive Director, and approved by the Conference, subject to the availability of the necessary budgetary resources.
5. Unless otherwise decided by the Conference, remote attendance at a meeting shall be treated as presence in person for the purposes of the Rules of Procedure, for all proceedings such as quorum, participation in discussions and voting.

#### **Rule 8 – Agenda**

1. The Executive Director, in consultation with the Chair, shall draw up the draft agenda for the meetings of the Conference.
2. The Secretary General may suggest items which shall be incorporated into the draft agenda.
3. The agenda shall be adopted by the Conference at the beginning of its meeting.

#### **Rule 9 – Documents and abridged reports**

1. The Executive Director shall be responsible for preparing and distributing working documents for the Conference and shall bring to the Conference's attention any relevant communications containing information submitted for the Conference's consideration, including communications made by international organisations, national human rights institutions, bar associations, civil society, NGOs and victims' rights organisations.
2. Documents requiring a decision shall be sent, in both official languages, to the Conference at least two weeks before the opening of the meeting at which the decision is to be taken. In exceptional cases, the Conference may consider a document submitted at a later stage. Without prejudice to Article 11 of the Statute, documents shall be made public after the meeting of the Conference for which they were prepared, unless the Conference decides otherwise.
3. Maximum use should be made of information technology, including between meetings. This includes for the purposes of gathering amendments, comments and proposals, finalising texts, taking decisions and publishing decisions provided in the latter cases that all the members of the Conference have been properly informed in good time.
4. At the end of each meeting, the Executive Director shall submit to the Conference a draft abridged report including the decisions taken during the meeting for its approval. Unless the Conference decides otherwise, the approved abridged report shall be made public.

### **Rule 10 – Privacy of meetings**

Meetings shall be held in private, unless specifically decided otherwise by the Conference itself to ensure transparency and visibility of the Register's work. The Secretariat shall ensure a secured conduct of meetings, including in respect to electronic voting, in accordance with all applicable rules.

### **Rule 11 – Working methods**

1. The Conference may appoint a rapporteur or set up a working party, or both.
2. The Conference may entrust a rapporteur, a limited number of its members or the Bureau with a specific task to be fulfilled by its next meeting.
3. The Conference may request, within the limits of budgetary appropriations, the Executive Director to have recourse to the service of one or more consultants.
4. Agenda items for information only shall be communicated in advance by electronic means allowing the Conference to focus during its meetings on agenda items for decision.
5. Participants, Associate Members and any invitees may take part in the meetings of the Conference and make oral and written interventions and statements.

### **Rule 12 – Hearings**

The Chair or the Conference may decide to organise hearings with any person or organisation considered to be in a position to contribute to the work of the Conference, within the limits of resources available.

### **Rule 13 – Proposals**

Any proposal must be submitted in writing in one of the official languages if a member so requests. In that case, it shall not be discussed until it has been circulated.

### **Rule 14 – Quorum**

There shall be a quorum if two thirds of the representatives having the right to vote are present.

### **Rule 15 – Order of voting on proposals or amendments**

1. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt as to the order of priority, the Chair shall decide.
2. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more amendments to the same proposal are presented, the Conference shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next furthest removed from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chair shall decide.
3. Parts of a proposal or amendment may be put to the vote separately.
4. In the case of proposals with financial implications, the most costly shall be put to the vote first.

### **Rule 16 – Points of order**

During the discussion of any matter, a Participant or an Associate Member of the Conference may at any time raise a point of order which shall immediately be decided upon by the Chair in accordance with these rules. Any appeal against the decision of the Chair shall immediately be put to a vote. A Participant or an Associate Member may not, in raising a point of order, speak on the substance of the matter under discussion.

### **Rule 17 – Order of procedural motions**

Procedural motions shall take precedence over all other proposals or motions except points of order. They shall be put to the vote in the following order:

- a. suspension of the sitting;
- b. adjournment of discussion on the item in hand;
- c. postponement of a decision on the substance of a proposal until a specified date.

### **Rule 18 – Reconsideration of a question**

When a decision has been taken it may only be re-examined if a Participant or an Associate Member entitled to vote so requests, and if this request receives a two-thirds majority of the votes cast.

### **Rule 19 – Voting**

1. Each Participant of the Conference shall have one vote. Where the delegation of a Participant is composed of more than one person, only the representative appointed pursuant to Article 2.1.a shall have the right to vote.
2. Associate Members have no right to vote. However, Associate Members having made voluntary contributions to the Register of an amount equal to the amount determined by the Conference for Participants in accordance with Article 10 of the Statute, shall have the full range of rights of Participants – including the right to vote - during the financial year for which they made such a contribution. In such a case, where the delegation of an Associate Member is composed by more than one person, only the representative appointed pursuant to Article 2.2.a shall have the right to vote.
3. Voting requires a quorum.
4. The decisions of the Conference are taken by a two-thirds majority of the votes cast, unless otherwise indicated in the present Rules of Procedure or in the Statute.
5. Procedural questions shall be decided by a majority of the votes cast.
6. If any question arises as to whether a matter is procedural or not, it shall not be treated as procedural unless the Conference so decides by a two-thirds majority of the votes cast.
7. For the purposes of these Rules, “votes cast” shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.
8. Remote voting by secret ballot shall not take place, unless exceptional circumstances so require.

### **Rule 20 – Designation and dismissal of the Executive Director**

1. The Executive Director shall be designated by the Conference upon proposal by the Government of Ukraine and appointed by the Secretary General of the Council of Europe.

2. When proposing candidates for the post of Executive Director, the Government of Ukraine shall submit to the Conference up to three names, chosen from among persons known for their recognised integrity, experience and multi-disciplinary expertise necessary for this post, language skills, as well as demonstrated management skills necessary for the efficient functioning of the Register, and a curriculum vitae of the candidates. The Government of Ukraine may indicate an order of preference of the candidates proposed.
3. If a vote is necessary for the designation or dismissal of the Executive Director, the procedure set out in Rule 3, paragraphs 3 and 4, shall apply *mutatis mutandis*.
4. The Executive Director may be dismissed for justified reasons by the Secretary General following a procedure initiated by the Government of Ukraine or the Secretary General and after agreement by the Conference.

#### **Rule 21 – Appointment and removal of members of the Board of the Register**

The Conference shall adopt specific rules for the appointment and removal of members of the Board of the Register.

#### **Rule 22 – Meetings with the President of the Board of the Register**

The Conference shall periodically meet with the President of the Board of the Register to be informed about the state of its work, including presentation of the quarterly reports of the Board to the Conference pursuant to Article 6, paragraph 9 of the Statute, as well as any other issue relating to the functioning of the Register.

#### **Rule 23 – Annual activity report of the Register**

The Conference shall adopt an annual activity report of the Register. The annual activity report shall be transmitted to the Committee of Ministers and to the Parliamentary Assembly of the Council of Europe.

#### **Rule 24 – Financing and Budget**

1. The Conference shall adopt every year the Register's budget on expenditure, prepared by the Executive Director.
2. The Conference shall determine both the amount of the annual contributions of its Participants and the recommended voluntary contributions of its Associate Members. These contributions should be based, as a rule, on the criteria for the determination of the annual scale of contributions to the general budget of the Council of Europe and can be adjusted in accordance with the principles on which that scale is based.
3. The Conference shall authorise the Executive Director to receive and utilise additional voluntary grants and other contributions connected with its work, consistent with the aims and functions of the Register, including contributions in kind, in accordance with Article 10, paragraph 4 of the Statute. The Executive Director shall report on additional voluntary contributions quarterly.
4. The Conference shall approve every year the Register's annual accounts, which shall be drawn up by the Secretary General of the Council of Europe in accordance with the Financial Regulations of the Council of Europe and submitted to the Conference accompanied by the report of the External Auditor as provided for in the Financial Regulations. In order to discharge the Secretary General from responsibility for the management of the financial year in question, the Conference shall transmit to the Committee of Ministers the annual accounts, together with its approval or any comments,



and the report drawn up by the External Auditor, as provided for in the Financial Regulations.

**Rule 25 – Acceptance of a new Participant or Associate Member**

The decision to accept a new Participant or Associate Member in accordance with Article 4, paragraph 3 of the Statute shall be taken by two thirds majority of the Participants and Associate Members entitled to vote, including the vote in favour by Ukraine.

**Rule 26 – Expulsion of a Participant or of an Associate Member**

In accordance with Article 16 of the Statute, the Conference may decide that any Participant or Associate Member acting in a manner inconsistent with the mandate of the Register or impeding its functions, ceases to be a Participant or Associate Member of the Register as from such date as the Conference determines.

Such decision shall be taken by a two thirds majority of the Participants and Associate Members entitled to vote.

**Rule 27 – Amendments to the Rules of Procedure**

The Conference may amend these Rules of Procedure by a two-thirds majority of the votes cast.

**Rule 28 – Entry into force of the Rules of Procedure**

These Rules of Procedure shall enter into force upon their adoption.