Official Journal
of the European Union

EN
L series

2024/3219

23.12.2024

COUNCIL DECISION (EU) 2024/3219

of 12 December 2024

on the position to be taken on behalf of the European Union within the Committee of the Parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to institutions and public administration of the Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 336, in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Council of Europe Convention on preventing and combating violence against women and domestic violence ('the Convention') was concluded by the Union by means of Council Decision (EU) 2023/1075 ([1]), with regard to institutions and public administration of the Union, and by means of Council Decision (EU) 2023/1076 ([2]), with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement, insofar as they fall within the exclusive competence of the Union. The Convention entered into force for the Union on 1 October 2023.

(2) Pursuant to Article 66(1) of the Convention, the Group of experts on action against violence against women and domestic violence ('GREVIO') is to monitor the implementation of the Convention by the Parties. Pursuant to Article 68(3) of the Convention, the evaluation proceduressubsequent to GREVIO's initial baseline evaluation procedure, concerning the reports on legislative and other measures giving effect to the provisions of this Convention submitted by the Parties are to be divided into rounds ('thematic evaluation rounds'). Pursuant to Article 68(11) of the Convention, GREVIO is to adopt its report and conclusions concerning the measures taken by the Party concerned. Pursuant to Article 68(12) of the Convention, on the basis of the report and conclusions of GREVIO, the Committee of the Parties established by Article 67 of the Convention ('the CoP') is able to adopt recommendations addressed to the Party concerned.

(3) The first of thematic evaluation rounds, entitled 'Building trust by delivering support, protection and justice', was launched in 2022 and will run from 2023 to 2031. It addresses 19 specific provisions of the Convention, namely Articles 7, 8, 11, 12, 14, 15, 16, 18, 20, 22, 25, 31, 48, 49, 50, 51, 52, 53 and 56, and concerns the implementation of provisions of the Convention which also apply to the Union with regard to its own institutions and public administration.

(4) In September 2024, the Secretariat of the CoP shared with the Parties draft decision IC-CP(2024)10 on recommendations to be adopted in light of GREVIO's reports adopted as part of the first thematic evaluation round ('the draft decision'). The draft decision provides for a procedure for the adoption of, and the supervision of the implementation of, recommendations by the CoP and contains a model recommendation. The draft decision is to be discussed and, if possible, adopted at the 17th meeting of the Committee of the Parties on 17 December 2024.

(5) The Union has exclusive competence to accept obligations set out in the Convention with regard to its own institutions and public administration, within the scope of Article 336 of the Treaty on the Functioning of the European Union. In its Opinion 1/19 ([3]), the Court of Justice of the European Union confirmed that a significant part of the obligations of the Convention relating to the adoption of preventive and protection measures are, in essence, binding on the Union as regards the staff in its administration and as regards the members of the public visiting the premises and buildings of its institutions, agencies and bodies.

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

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

([3]) Opinion of the Court of Justice of 6 October 2021, 1/19, Istanbul Convention, ECLI:EU:C:2021:832, paragraph 305.

(6) It is appropriate to establish the position to be taken on the Union's behalf within the CoP as the draft decision establishes the procedure for the adoption of, and the supervision of, the implementation of recommendations addressed to Parties with regard to matters related to institutions and public administration of the Union. Those recommendations will be capable of decisively influencing the content of Union law in that they may affect the interpretation of relevant provisions of the Convention in the future.

(7) The draft decision provides that the recommendations are to be limited to the most pressing concerns identified by GREVIO in its reports. Those concerns include shortcomings that GREVIO considers require immediate action, indicated by the use of the verb 'urges', as well as those issues that GREVIO considers should be remedied in the near future, indicated by the verb 'strongly encourages', covering all chapters of the Convention.

(8) The draft decision provides that the CoP is to supervise the implementation of the recommendations by requesting the Party concerned to submit a written report on the measures taken within 3 years of the adoption of the recommendation. Pursuant to the draft decision, the CoP is thereafter able to choose not to take any further steps in its supervision in order to avoid overlap with any future thematic evaluation rounds.

(9) The draft decision provides that the recommendations are to recommend the Party to implement the remaining, less urgent proposals from GREVIO, as a way of endorsing GREVIO's conclusions in their entirety, and to invite that Party to a continued dialogue with GREVIO.

(10) The Union should agree with the draft decision, as the procedure set out therein aligns with the baseline evaluation procedure under Article 68 of the Convention, which has been effective and ensures effective implementation of all provisions selected for the thematic evaluation, while avoiding overlapping monitoring processes.

(11) The position of the Union within the CoP should therefore be to support the adoption of the draft decision, including the proposed model recommendation set out in Appendix I thereto.

(12) In order to allow for the necessary flexibility during the meeting of the CoP, it should be provided that specific changes to the draft decision can be agreed on behalf of the Union without a further decision of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union at the 17th meeting of the Committee of the Parties (the 'CoP'), established by Article 67 of the Council of Europe Convention on preventing and combating violence against women and domestic violence ('the Convention'), shall be to support the adoption of the draft decision IC-CP(2024)10 on recommendations to be adopted by the CoP('the draft decision'), including the proposed model recommendation set out in Appendix I thereto ('Appendix I').

Article 2

Where the following points of Appendix I cannot be agreed as they are set out in the draft text, the representatives of the Union within the CoP may, without a further decision of the Council,agree to the following changes:

— point B: extending the 3-year deadline for the Party concerned to submit a written report to the Committee of the Parties on the measures taken to implement the Convention;

— point C: deleting the recommendation that the Party concerned take measures to implement the further conclusions of GREVIO's first thematic evaluation reports;

— point D: deleting the invitation to the Party concerned to continue the dialogue on progress with GREVIO.

The representatives of the Union within the CoP may also, without a further decision of the Council, make minor changes to the draft decision, including Appendix I, which do not substantially alter the position referred to in Article 1 of this Decision.

Article 3

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

Done at Brussels, 12 December 2024.

For the Council

The President

PINTÉR S.