COMMITTEE ON BIOETHICS (DH-BIO)

Information document concerning the DH-BIO

Secretariat memorandum
prepared by the
Bioethics Department
Directorate of Human Rights

Internet: www.coe.int/bioethics
INTRODUCTION

Set up in 1949, the Council of Europe is an intergovernmental organisation which fosters political, legal, and cultural cooperation between its 47 member European pluralistic democracies. It is distinct from the 27-nation European Union.

The Council of Europe’s aims, as specified by its Statute, are to protect human rights and strengthen pluralist democracy, to enhance European cultural identity and seek out solutions to the major problems of our time. The work of the Council of Europe may result in international conventions and in recommendations for CE member States.

The Council of Europe operates through three main bodies, the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe. A Secretariat General serves these bodies and is headed by a Secretary General elected for a five-year period. The current Secretary General is Thorbjørn Jagland (Norway).

The Committee of Ministers comprises the Ministers of Foreign Affairs of the 47 member States. It votes binding and non-binding texts addressed to member States. The Ministers’ Deputies are the governments’ Permanent Representatives to the Council of Europe. They have the same decision-making powers as the Ministers and supervise the Council’s activities. They meet at least twice a month. The Deputies set out the Council of Europe’s programme of activities and adopt its budget. They also decide what action should be taken on proposals from the Parliamentary Assembly, the Congress of Local Authorities of Europe and from conferences of specialised ministers that the Council of Europe regularly holds. The Addendum attached to this document contains the Working methods of the Ministers’ Deputies. The Committee of Ministers also serves as a permanent forum to discuss European co-operation and common political problems.

Set up under the direct authority of the Committee of Ministers, the Ad hoc Committee of experts on Bioethics (CAHBI) which became in 1992 the Steering Committee on Bioethics (CDBI) has, since 1985, been responsible for the intergovernmental activities of the Council of Europe in the field of bioethics. The work of CAHBI, and then of the CDBI, has led to the adoption of Recommendations of the Committee of Ministers (see Appendix I) and to the preparation of the Convention on Human Rights and Biomedicine, the first international treaty in this field (adopted by the Committee of Ministers on 19 November 1996; entry into force on 1 December 1999) as well as the additional Protocol on the Prohibition of Cloning Human Beings (adopted by the Committee of Ministers on 6 November 1997; entry into force on 1 March 2001), the additional Protocol concerning Transplantation of Organs and Tissues of Human Origin (adopted by the Committee of Ministers on 8 November 2001 and came into force on 1 May 2006), and the additional Protocol on Biomedical Research (adopted by the Committee of Ministers on 30 June 2004; entered into force on 1 September 2007), and the Protocol concerning genetic testing for health purposes (adopted by the Committee of Ministers on 7 May 2008, opened for signature on 27 November 2008).

Since 2012, the Steering Committee on bioethics (CDBI) has become the Committee on bioethics (DH-BIO) and is under the responsibility of the Steering Committee for Human Rights (CDDH).
I. TERMS OF REFERENCE

1. Name of committee: COMMITTEE ON BIOETHICS (DH-BIO)

2. Type of committee: Subordinate body

3. Source of terms of reference: Committee of Ministers

4. Terms of reference:

Terms of reference valid from: 1 January 2012 until 31 December 2013

<table>
<thead>
<tr>
<th>Main tasks</th>
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<tbody>
<tr>
<td>The DH-BIO shall carry out the tasks assigned to the Steering Committee on Bioethics (CDBI) by the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine.</td>
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<tr>
<td>Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-BIO will conduct intergovernmental work on the protection of human rights in the field of biomedicine assigned to it by the Committee of Ministers.</td>
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<td>The DH-BIO will in particular:</td>
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<td>- conduct regular re-examinations foreseen in the Convention and its Additional Protocols;</td>
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<td>- develop further the principles laid down in the Convention on Human Rights and Biomedicine, as appropriate;</td>
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<td>- contribute to raising awareness and facilitating the implementation of these principles;</td>
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<td>- assess ethical and legal challenges raised by developments in the biomedical field;</td>
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<tr>
<td>- co-operate with the European Union and relevant intergovernmental bodies, in particular with a view to promoting consistency between the normative texts.</td>
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<table>
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<tr>
<th>Expected results</th>
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<tr>
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</tr>
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<td>(i) a draft report is prepared on decision making process regarding medical treatment in end-of-life situations providing a basis for a guide on this subject;</td>
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<td>(ii) re-examination is conducted of the Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin;</td>
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<td>(iii) a symposium is organised in 2012, to provide a basis for the re-examination of Rec(2006)4 on Research on Biological Materials of Human Origin;</td>
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<td>(iv) a contribution is made, subject to a decision of the Committee of Ministers, to the elaboration of a criminal law instrument against organ trafficking and where appropriate tissues and cells trafficking;</td>
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<td>(v) the co-operation with the European Union and other relevant intergovernmental bodies is further developed, in particular in the field of biobanks, with a view to promoting consistency between the normative texts.</td>
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<td>(ii) a. a draft legal instrument is elaborated concerning the protection of persons with mental disorder with regard to involuntary treatment and placement:</td>
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<td>b. a feasibility study is conducted and, if appropriate, a draft legal instrument prepared on the use of predictive health related data for insurances purposes;</td>
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<td>(iii) an expert study is conducted assessing ethical and legal challenges raised by developments in neurosciences linked in particular to new technologies such as brain imaging as a basis for possible future activities;</td>
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<td>(iv) a questionnaire is distributed among the member states and an analysis of their replies is carried out on the legal and practical situation in member states on access to personal medical files, with a view to the possible preparation of guidelines, taking into account the development of internet exchange of health related personal information;</td>
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<tr>
<td>(v) awareness raising and facilitation of implementation of principles laid down in the Convention on Human Rights and Biomedicine in member states, including in the field of biomedical research ethics;</td>
</tr>
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<td>(vi) co-operation with the European Union and other relevant intergovernmental bodies is further developed, in particular in the field of biomedical research.</td>
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</tbody>
</table>
**Composition**

**Members:**
Governments of the member states are invited to designate one or more representatives of the highest possible rank, with appropriate expertise in the various aspects of bioethics and able to consider these from a human rights perspective.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member state (two in the case of the state whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

**Participants:**
The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), Committee (Partial Agreement) on Transplantation of Organs and Tissues (CD-P-TO) and Committee (Partial agreement) on Blood Transfusion (CD-P-TS);
- committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations: European Science Foundation (ESF), OECD, UNESCO and WHO.

**Observers:**
The following may send representatives without the right to vote and without defrayal of expenses:

- Australia, Israel;
- Church and Society Commission of the Conference of European Churches (KEK).

**Working methods**

**Plenary meetings**
48 members, 2 meetings in 2012, 4 days
48 members, 2 meetings in 2013, 4 days

**Bureau**
7 members, 2 meetings in 2012, 2 days
7 members, 2 meetings in 2013, 2 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The Chair or Vice-Chair of DH-BIO may be invited to attend the meetings of the CDDH and its Bureau in order to inform on progress with its work.

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1 European Directorate for the Quality of Medicines and Healthcare.
II. MEMBERSHIP

The governments of the 47 member States\(^1\) may appoint experts. Such members are entitled to vote (1 vote per delegation) on matters arising within the CDBI. Furthermore the Parliamentary Assembly of the Council of Europe and the Commission of the European Communities may appoint representatives.

In addition to the member States, the following countries may send observers: Australia, Canada, Holy See, Israel, Japan, Mexico, United States of America.

The following international organisations may also send other participants: UNESCO (United Nations Educational, Scientific and Cultural Organization), OECD (Organization for Economic Co-operation and Development), WHO (World Health Organization), the European Science Foundation, KEK (Church and Society Commission of the Conference of European Churches).

The travelling and subsistence expenses of the experts are reimbursed according to the Council of Europe regulations. Each expert is requested to arrange to travel by the cheapest route and, if possible, make use of reduced transport fares (pex, apex, etc.). Experts are reimbursed upon presentation of documentary evidence of the sum actually paid (invoice, copy of credit card slip, etc…). This evidence of the expenditure must be attached to the claim form for reimbursement together with the relevant travel tickets (plane, train, etc…).

III. BUREAU

In accordance with the provisions of Articles 12 and 13 of the Rules of Procedure for Council of Europe Committees (Resolution (2011) 24 on committees and subordinate bodies, their terms of reference and their working methods) the DH-BIO elected:

- Dr Anne Forus (Norway), Chair (elected in December 2012)
- Dr Mark Bale (United Kingdom), Vice-Chair (elected in December 2012)
- Dr Javier Arias (Spain), member of Bureau (re-elected in June 2012)
- Prof. Elmar Doppelfeld (Germany), member of Bureau (re-elected in December 2012)
- Mrs Beatrice Gabriela Ioan (Romania), member of Bureau (re-elected in December 2012)
- Prof. Zvonko Magic (Serbia), member of Bureau (elected in December 2012)
- Dr Siobhan O’Sullivan (Ireland), member of Bureau (elected in December 2012)

IV. SECRETARIAT

The Secretariat prepares necessary documentation prior to meetings of the CDBI and its Working Parties, and prepares the meeting reports afterwards. Other duties include assisting in the drafting of documents during the meetings and in the periods between meetings. Utilising its presence at the Council of Europe in Strasbourg, the Secretariat coordinates the flow of information between the CDBI and its Working Parties and other relevant steering committees, working parties, and entities operating at the Council of Europe such as the Committee on Culture, Science, Education and Media, the Committee on Social Affairs, Health and Sustainable Development, the Committee on Legal Affairs and Human Rights, and the General Rapporteur on science and technology impact assessment in the Parliamentary Assembly. Information about other legal instruments currently in force or in the drafting process are provided by the Secretariat. During the meeting, the Secretary General or his/her representative may at any time make an oral or written statement on any subject under discussion (Committee of Ministers Resolution (2011) 24, Article 15 b). Initiation of consensus and compromise within the meetings is one of the main functions of the Secretariat.

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\(^1\) The following countries are member States of the Council of Europe: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.
V. PARLIAMENTARY ASSEMBLY

The Parliamentary Assembly is the deliberative body of the Council of Europe and is composed of 315 representatives (and the same number of substitutes) appointed by the 47 member States' national parliaments. The Parliamentary Assembly has been represented in the CDBI since 1990 and was asked to give its opinion and propose amendments to drafts of the Convention on Human Rights and Biomedicine. The Recommendations of the Parliamentary Assembly on issues relevant to bioethics over the past 20 years were also taken into account during the drafting of the Convention and of its Protocols. The Parliamentary Assembly has asked that each draft Protocol to the Convention be sent to it for an opinion as soon as they are finalised (four Protocols have already been transmitted to it: the Protocol on the Prohibition of Cloning Human Beings, the Protocol concerning Transplantation of Organs and Tissues of Human Origin, the Protocol on Biomedical Research and the Protocol concerning genetic testing for health purposes).

VI. MEETINGS

The CDBI usually meets twice a year at the headquarters of the Council of Europe in Strasbourg (France). The working languages are English and French. All CDBI documents are in English and French and during the meeting simultaneous interpretation is provided (English-French and vice-versa).

Resolution (2011) 24 of the Committee of Ministers (adopted by the Committee of Ministers on 9 November 2011 at the 1125th meeting of the Ministers' Deputies) "On intergovernmental committees and subordinate bodies, their terms of reference and working methods" sets out the working methods utilised by the DH-BIO and its Working Parties. While the practice is to try and reach consensus among the experts of the DH-BIO, Article 11 of the Rules of procedure for Council of Europe Committees (Appendix I of the Resolution) sets out the framework for voting in committees (such as DH-BIO). It states that each member of the committee shall have one vote and that where a government designates more than one member, only one of them is entitled to take part in the voting. Subject to any contrary provisions in these Rules (Resolution (2011) 24), decisions of the steering committees are taken by a two-thirds majority of the votes cast. Procedural matters shall be settled by a majority of the votes cast. Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless the committee decides to that effect by a majority of two thirds of the votes cast. 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.

VII. GROUPS OF SPECIALISTS

For the preparation of its work, the CDBI was responsible for the following Groups of Specialists:

- Working Party on organ transplantation (CDBI-CO-GT1) was responsible for the preparation of a draft Protocol to the Convention on organ transplantation. The finalised draft Protocol was adopted by the CDBI during its 18th meeting in June 2000; consequently the Working Party no longer meets. The Protocol was opened to signature on 24 January 2002.

- Working Party on biomedical research (CDBI-CO-GT2) was responsible for the preparation of a draft Protocol to the Convention on biomedical research. The finalised draft Protocol was adopted by the CDBI during its 24th meeting in June 2003; consequently the Working Party no longer meets. The Protocol was opened to signature on 25 January 2005.

A Group of Specialists has been set up with a task of elaborating a draft Guide for research ethics committee members.

- Working Party on research on biological materials of human origin (CDBI-CO-GT2biomat) responsible for the preparation of a draft Recommendation on this subject.

2 The denomination “Working Party” has been replaced by “Group of Specialists” following the Resolution (2005)47 of the Committee of Ministers.
The finalised draft Recommendation was approved by the CDBI during its 29th meeting in October 2005; consequently the Working Party no longer meets. The Recommendation Rec(2006)4 on research on biological materials of human origin was adopted by the Committee of Ministers on 15 March 2006.

- **Working Party on the protection of the human embryo and foetus (CDBI-CO-GT3)** responsible for the activities concerning the protection of the human embryo and foetus.


- **Group of Specialists on human genetics (CDBI-CO-GT4)** responsible for the elaboration of a Protocol concerning genetic testing for health purposes. The final draft Protocol was approved by the CDBI during its 32nd meeting on 8 June 2007, as a consequence, the Working Party does not meet any longer. The Protocol was adopted by the Committee of Ministers on 7 May 2008 and opened for signature on 27 November 2008. The CDBI is now starting to work on predictivity and genetic testing in the field of insurance. A Group of Specialists has been set up with a view to elaborating a legal instrument.

- **Working Party on xenotransplantation (CDBI/CDSP-XENO):** under the joint authority of CDBI and European Health Committee (CDSP), responsible for the preparation of guidelines in this field and for making recommendations on public information. The finalised Recommendation on xenotransplantation was approved by the CDBI during its 22nd meeting in June 2002; consequently the Working Party no longer meets.

Recommendation Rec (2003)10 on xenotransplantation was adopted by the Committee of Ministers on 19 June 2003.

- **Working Party on psychiatry and human rights (CDBI-PH):** responsible for the preparation of guidelines in this field. The finalised draft Recommendation concerning the protection of the human rights and dignity of persons with mental disorder was approved by the CDBI during its 26th meeting in March 2004; consequently the Working Party no longer meets.

Recommendation Rec (2004)10 concerning the protection of the human rights and dignity of persons with mental disorder was adopted by the Committee of Ministers on 22 September 2004.

- **Working Party on biotechnology (CDBI-Biotech):** This Working Party was set up in 2000 following the European Conference on ethical and legal questions raised by the developments in biotechnology and their consequences for human beings, animals and the environment. This Working Party was responsible for the preparation of a proposed framework for the future development of draft ethical and legal principles in the field of biotechnology.

These Groups of Specialists were responsible for preparing texts which are then referred to the CDBI for discussion and decision. Except on procedural matters, the Groups of Specialists and the other committees shall not take decisions by voting. They shall state their conclusions in the form of unanimous recommendations, or, if this proves impossible, they shall make a majority recommendation and indicate the dissenting opinions.

**VIII. WORK OF THE CDBI**

The CDBI has prepared the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine) setting out general principles and rules for the protection of the human being in the context of the development of biology and medicine. The Convention was adopted by the Committee of Ministers on 19 November 1996 and opened for signature on 4 April 1997. The publication of the Explanatory Report to the Convention was authorised by the Committee of Ministers on 17 December 1996. The Convention (ETS No.164) and the Explanatory Report (ref. no. DIR/JUR (97) 5) are available from the Council of Europe Directorate General of Social Cohesion, Bioethics Division.
The CDBI has elaborated a first additional Protocol on the prohibition of cloning human beings. This Protocol was adopted during the 101st session of the Committee of Ministers, and was opened to signature on 12 January 1998 in Paris.

The second draft Protocol drawn up by the CDBI concerns the transplantation of organs and tissues of human origin. This Protocol was adopted during the 109th session of the Committee of Ministers, and was opened to signature on 24 January 2002 in Strasbourg.

The third draft additional Protocol on Biomedical Research was approved by the CDBI on 20 June 2003. This Protocol was adopted during the 890th session of the Committee of Ministers, and was opened to signature on 25 January 2005 in Strasbourg.

The fourth Protocol concerning genetic testing for health purposes was approved by the CDBI on 8 June 2007. This Protocol was adopted by the Committee of Ministers on 7 May 2008 and opened for signature on 27 November 2008.

The Convention envisages, in view of developing its principles, the possibility of elaborating other Protocols on specific topics.

A Working Party under the authority of the CDBI prepared a Recommendation on harmonisation of autopsy rules. This Recommendation was adopted by the Committee of Ministers on 2 February 1999. The CDBI also prepared, with the assistance of a Working Party:

- a Recommendation on xenotransplantation which was adopted by the Committee of Ministers on 19 June 2003;
- a Recommendation concerning the protection of the human rights and dignity of persons with mental disorder which was adopted by the Committee of Ministers on 22 September 2004.
- a Recommendation on research on biological material of human origin which was adopted by the Committee of Ministers on 15 March 2006.

IX. CURRENT WORK OF THE DH-BIO

The DH-BIO works for 2012 concern:

(i) a draft report is prepared on decision making process regarding medical treatment in end-of-life situations providing a basis for a guide on this subject;
(ii) re-examination is conducted of the Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin;
(iii) a symposium is organised in 2012, to provide a basis for the re-examination of Rec(2006)4 on Research on Biological Materials of Human Origin;
(iv) a contribution is made, subject to a decision of the Committee of Ministers, to the elaboration of a criminal law instrument against organ trafficking and where appropriate tissues and cells trafficking;
(v) the co-operation with the European Union and other relevant intergovernmental bodies is further developed, in particular in the field of biobanks, with a view to promoting consistency between the normative texts.

Works for 2013:
(i) a guide concerning the decision making process regarding medical treatment in end-of-life situations is prepared;
(ii) a draft legal instrument is elaborated concerning the protection of persons with mental disorder with regard to involuntary treatment and placement:
   a. a feasibility study is conducted and, if appropriate, a draft legal instrument prepared on the use of predictive health related data for insurance purposes;
   b. an expert study is conducted assessing ethical and legal challenges raised by developments in neurosciences linked in particular to new technologies such as brain imaging as a basis for possible future activities;
(iii) a questionnaire is distributed among the member states and an analysis of their replies is carried out on the legal and practical situation in member states on access to personal medical files, with a view to the possible
preparation of guidelines, taking into account the development of internet exchange of health related personal information;
(v) awareness raising and facilitation of implementation of principles laid down in the Convention on Human Rights and Biomedicine in member states, including in the field of biomedical research ethics;
(vi) co-operation with the European Union and other relevant intergovernmental bodies is further developed, in particular in the field of biomedical research.
APPENDIX I

List of Resolutions & Recommendations of the Committee of Ministers in the field of bioethics

<table>
<thead>
<tr>
<th>Year</th>
<th>Resolution/Recommendation</th>
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<tbody>
<tr>
<td>1978</td>
<td>Resolution (78) 29 on the harmonisation of legislation of member States relating to removal, grafting and transplantation of human substances</td>
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<tr>
<td>1979</td>
<td>Recommendation R (79) 5 concerning international exchange and transportation of human substances</td>
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<tr>
<td>1981</td>
<td>Recommendation R (81) 1 on regulations for automated medical data banks</td>
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<tr>
<td>1983</td>
<td>Recommendation R (83) 2 on protection of persons suffering from mental disorders placed as involuntary patients</td>
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<tr>
<td>1984</td>
<td>Recommendation R (84) 16 concerning notification of work involving recombinant deoxyribonucleic acid (DNA)</td>
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<tr>
<td>1989</td>
<td>Recommendation R (89) 2 on the protection of personal data used for employment purposes</td>
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<tr>
<td>1990</td>
<td>Recommendation R (90) 3 on medical research on human beings</td>
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<td>1990</td>
<td>Recommendation R (90) 13 on prenatal genetic screening, prenatal genetic diagnosis and associated genetic counselling</td>
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<tr>
<td>1992</td>
<td>Recommendation R (92) 1 on the use of analysis of deoxyribonucleic acid (DNA) used within the framework of the criminal justice system</td>
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<tr>
<td>1992</td>
<td>Recommendation R (92) 3 on genetic testing and screening for health care purposes</td>
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<tr>
<td>1993</td>
<td>Recommendation R (93) 4 concerning clinical trials involving the use of components and fractionated products derived from human blood or plasma</td>
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<tr>
<td>1994</td>
<td>Recommendation R (94) 1 on human tissue banks</td>
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<tr>
<td>1994</td>
<td>Recommendation R (94) 11 on screening as a tool of preventive medicine</td>
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<tr>
<td>1997</td>
<td>Recommendation R (97) 5 on the protection of medical data</td>
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<td>1997</td>
<td>Recommendation R (97) 15 on xenotransplantation</td>
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<tr>
<td>1998</td>
<td>Recommendation R (98) 7 concerning the ethical and organisational aspects of health care in prison</td>
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<tr>
<td>1999</td>
<td>Recommendation R (99) 3 on the harmonisation of medico-legal autopsy rules</td>
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<td>1999</td>
<td>Recommendation R (99) 4 on principles concerning the legal protection of incapable adults</td>
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<td>2001</td>
<td>Recommendation Rec (2001) 5 on the management of organ transplant waiting lists and waiting times</td>
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<td>2002</td>
<td>Recommendation Rec (2002) 9 on the protection of personal data collected and processed for insurance purposes</td>
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<tr>
<td>2003</td>
<td>Recommendation Rec (2003) 10 on xenotransplantation</td>
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<tr>
<td>2003</td>
<td>Recommendation Rec (2003) 12 on organ donor registers</td>
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<td>2003</td>
<td>Recommendation Rec (2003) 24 on the organisation of palliative care</td>
</tr>
<tr>
<td>2004</td>
<td>Recommendation Rec (2004) 7 on organ trafficking</td>
</tr>
<tr>
<td>2004</td>
<td>Recommendation Rec (2004) 8 on autologous cord blood banks</td>
</tr>
<tr>
<td>2004</td>
<td>Recommendation Rec (2004) 10 concerning the protection of the human rights and dignity of persons with mental disorder</td>
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<tr>
<td>2006</td>
<td>Recommendation Rec (2006) 4 on research on biological material of human origin</td>
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<tr>
<td>2007</td>
<td>Resolution ResAP (2007) 2 on good practices for distributing medicines via mail order which protect patient safety and the quality of the delivered medicine</td>
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<tr>
<td>2008</td>
<td>Resolution on transplantation of kidneys from living donors who are not genetically related to the recipient</td>
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<td>2008</td>
<td>Resolution on adult-to-adult living donor liver transplantation</td>
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<td>2008</td>
<td>Resolution on donor responsibility and on limitation to donation of blood and blood components</td>
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</tbody>
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For other bioethical texts of the Council of Europe, including those by the Parliamentary Assembly, please refer to document DH-BIO/INF (2012) 3, or see the following page of the website of the Bioethics Department: www.coe.int/bioethics
APPENDIX II
COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

Resolution CM/Res(2011)24
on intergovernmental committees and subordinate bodies,
their terms of reference and working methods

(Adopted by the Committee of Ministers on 9 November 2011
at the 1125th meeting of the Ministers’ Deputies)

The Committee of Ministers,

Having regard to Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;

Having regard to the decision taken by the Ministers’ Deputies at their 1112th meeting (19 April 2011, item 1.6) on intergovernmental structures;

Having regard to Resolution CM/Res(2011)7 on Council of Europe conferences of specialised ministers;

Having regard to the Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto;

Having regard to Resolution Res(2003)8 on the participatory status for international non-governmental organisations with the Council of Europe;

Having regard to Statutory Resolution Res(93)26 on Observer Status;

Having regard to Resolution Res(2001)6 on access to Council of Europe documents;

Having regard to Recommendation Rec(81)6 of the Committee of Ministers to member states on the participation of women and men in an equitable proportion in committees and other bodies of the Council of Europe and to the Committee of Ministers’ Declaration on Making gender equality a reality, adopted at the 119th Session of the Committee of Ministers of the Council of Europe (Madrid, 12 May 2009);

In pursuance of Articles 16 and 17 of the Council of Europe Statute,

Resolves as follows:

I. Scope of this resolution

1. This resolution shall apply to all intergovernmental committees and subordinate bodies set up by the Committee of Ministers, by virtue of Article 17 of the Council of Europe Statute.

2. If not provided otherwise, the rules set out in this resolution shall also apply mutatis mutandis to any committee created by the Committee of Ministers outside the scope of Article 17.

3. All references to the Secretary General in this resolution shall be subject to the relevant provisions of the Statute of the Council of Europe, the Staff Regulations and the rules on delegation of authority.
II. Categories of committees

4. There shall be two categories of committees set up by the Committee of Ministers:

a. committees directly answerable to the Committee of Ministers: steering committees with planning and steering functions and ad hoc committees with a more focused task; and

b. subordinate bodies of steering or ad hoc committees, with specific and limited tasks.

III. Composition

A. Members

5. Committees answerable to the Committee of Ministers: they are composed of one representative of the highest possible rank in the relevant field designated by the government of each member state.4

6. Subordinate bodies answerable to steering or ad hoc committees: they are composed of representatives of all or of a limited number of member states of the highest possible rank in the relevant field designated by the governments of member states and/or of independent experts with established expertise in the relevant field. Where subordinate bodies are composed of a limited number of member states, due regard shall be given to geographical representation and periodic rotation of member states. Furthermore, they are open to the participation of representatives from other member states, at their own expense.

B. Participants

7. Participants shall take part in the meetings of committees with no right to vote nor defrayal of expenses unless otherwise indicated. They are:

a. representatives of committees or other bodies of the Council of Europe engaged in related work, as well as the Parliamentary Assembly, the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner for Human Rights and the Conference of INGOs of the Council of Europe;

b. representatives designated by states which have observer status with the Council of Europe, the European Union, intergovernmental organisations and any other entity, including social partners, authorised to participate in the meetings of steering and ad hoc committees by virtue of a resolution or decision of the Committee of Ministers.

C. Observers

8. Observers from states or organisations other than those referred to in paragraph 7.b above. They shall be admitted to steering committees, ad hoc committees and any subordinate body answerable to them in the following manner:

a. as a general rule, upon their request to the Secretary General, observers are admitted, to steering and ad hoc committees or any subordinate body answerable to them, on the basis of a unanimous decision by that steering or ad hoc committee; in the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the committee concerned. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it;

b. concerning special cases, such as the admission of non-member states without observer status to the Council of Europe, and any other case which may necessitate a political decision, the Secretary General shall refer the matter to the Committee of Ministers. This decision shall be taken by a two-thirds majority of all the representatives entitled to sit on it.

3 Unless specified otherwise, the term “committee” refers to steering and ad hoc committees and their subordinate bodies.

4 Where necessary, a member state is entitled to designate more than one representative.
9. Observers shall have no right to vote nor defrayal of expenses.

IV. Terms of reference

10. By “terms of reference” shall be understood all directives relating to the activities of a committee subject to the present resolution.

11. All committees and subordinate bodies shall have terms of reference.

12. Terms of reference of committees answerable to the Committee of Ministers shall be presented by the Secretary General and approved by the Committee of Ministers.

13. Terms of reference of subordinate bodies shall be presented by the Secretary General upon proposal by the parent committee, and approved by the Committee of Ministers.

14. All terms of reference shall be limited to a maximum period of two years in line with the biennial Programme and Budget of the Organisation, unless otherwise decided by the Committee of Ministers.

15. Terms of reference shall include:
   a. name of committee;
   b. category: steering committee, ad hoc committee or subordinate body;
   c. reference to the relevant programme line/s of the Council of Europe Programme and Budget, including concrete and measurable expected results for which the committee is responsible;
   d. where appropriate, its planning and advisory function;
   e. where appropriate, terms of reference derived from a convention;
   f. tasks and completion date;
   g. specific qualifications of members;
   h. composition of the committee: members, participants and observers and information concerning repayment of members' travelling and subsistence expenses by the Council of Europe, as set out in Appendix 2 to this resolution; and
   i. working methods, including hearings and, if necessary and justified, proposals for consultants.

16. Terms of reference shall be accompanied by full information on their financial implications, detailing in particular, per committee, the operational budget and number of staff allocated.

V. Planning, monitoring and evaluation function of committees

17. Steering and ad hoc committees advise the Committee of Ministers and the Secretary General on the priorities and other matters with regard to their sectors, in particular on the relevance of activities in line with the priorities and criteria adopted by the Committee of Ministers.

18. The Secretariat shall inform members of committees and subordinate bodies of:
   a. the institutional and regulatory framework of the Organisation, as set out in the Statute of the Council of Europe and other relevant texts including the present resolution;
   b. programme line(s) under their responsibility and budgetary appropriations in the Programme and Budget of the Organisation;
c. results of monitoring mechanisms and procedures that may have an impact on their work while respecting applicable confidentiality rules;

d. the progress review report of the Programme and Budget so that they can examine and discuss it and report back on their respective parts;

e. relevant co-operation activities and activities in the field; and

f. relevant activities of other international organisations with a view to avoiding duplication and achieving synergies.

VI. Working methods

19. The functioning and operation of committees and subordinate bodies shall be governed by the Rules of Procedure set out in Appendix 1 to this resolution. Committees’ work shall include relevant transversal perspectives in all areas of their work.

VII. Documents and meeting reports

20. The Secretary General shall be responsible for preparing and distributing documents to be discussed by the committees, as well as drafting the reports of their meetings, unless otherwise expressly provided for by the Committee of Ministers.

21. Committees shall prepare reports of their meetings. These reports shall include an evaluation of completed activities and a presentation of ongoing and planned work, together with the identification of its source and deadlines, as well as proposals for future activities and identification of activities that might be discontinued. These reports shall be made available, in both official languages, no later than one month after the last meeting day of the committee. Committees shall also adopt abridged meeting reports before the end of their meetings. Documents shall, where appropriate, contain an executive summary, action to be taken and resource implications.

VIII. Compendium of terms of reference

22. The Secretariat shall compile and keep up to date a “Compendium of terms of reference” containing:

a. the present resolution and any subsequent amendments to it;


c. the terms of reference of all intergovernmental committees and subordinate bodies;

d. the terms of reference derived from conventions, or special statutes given to intergovernmental committees set up under them; and

e. any other decision or message of the Committee of Ministers or the Secretary General relating to terms of reference;

f. the information foreseen in paragraph 16.

IX. Convening of meetings

23. All meetings of committees and subordinate bodies shall be convened by the authority of the Secretary General by a single procedure in accordance with the authorisation given by the Committee of Ministers and with the general practices of good management. The Secretary General shall ensure that meetings are planned, convened and serviced as efficiently and economically as possible.
24. Convocations and preliminary draft agendas of meetings shall be circulated at least six weeks before the proposed date, except in cases of urgency, which shall be duly explained. Convocations shall specify the name of the committee, the place, date, opening time of the meeting, its duration, the subjects to be dealt with and the list of participants at the previous meeting. When appropriate, it shall contain an invitation to nominate a member, taking into account the relevant texts on participation of women and men in an equitable proportion in committees and other bodies of the Council of Europe and indicating the qualifications he or she should preferably possess.

25. For committees answerable to the Committee of Ministers, convocations shall be sent to nominees specified by the Permanent Representations with the Permanent Representations in copy. Nominations made by governments through Permanent Representations will remain valid until any change is notified or confirmed by them.

26. For subordinate bodies, convocations shall be sent as appropriate to nominees specified by Permanent Representations or by the parent committee or, in the absence of such a known nominee, to the Permanent Representations or to the Chair of the committee concerned respectively. Permanent Representations shall receive copies of convocations sent to designated members. Nominations made by governments through Permanent Representations will remain valid until any change is notified.

27. The Secretariat shall send the draft agenda, a provisional list of working documents and the documents themselves to the nominees, or in the absence of such a nomination, to the Permanent Representation concerned, at least 20 days before the meeting date. This documentation shall be made available to the Permanent Representations. Use should be made of information technology whenever possible.

28. The same arrangements shall apply mutatis mutandis to participants and observers.

X. Co-ordination

29. The Secretary General shall ensure that committees and subordinate bodies are informed about activities which may have implications for the execution of their respective terms of reference.

30. In order to ensure co-ordination between the Ministers’ Deputies and committees answerable to the Committee of Ministers:

a. the Chairs of committees may be invited, whenever necessary, to take part in meetings of the Deputies’ relevant Rapporteur Groups, Working Parties and Thematic Co-ordinators to discuss the evaluation of activities, present ongoing work and prospects for future activities, in line with the priorities of the Organisation;

b. the Chairs of the Deputies’ relevant Rapporteur Groups, Working Parties and Thematic Co-ordinators may attend meetings of committees when it is deemed that this is of importance to the respective sector activity.

31. The Secretary General shall promptly inform committees of general guidelines issued by the Ministers’ Deputies as regards the content, modalities of implementation and evaluation of the intergovernmental work.

XI. Review of the intergovernmental structure

32. A progress review on the intergovernmental structure will be carried out on a regular basis bearing in mind the reports referred to in paragraph 20 and the progress review report on the implementation of the Programme and Budget provided for by the Financial Regulations.

XII. Entry into force of this resolution

33. This resolution shall enter into force on 1 January 2012 and shall repeal and replace Resolution Res(2005)47.
Appendix 1 to Resolution CM/Res(2011)24

Rules of procedure for Council of Europe intergovernmental committees

Article 1 – Agenda

a. The Secretary General, in close consultation with the Chair, shall draw up the draft agenda which should be concrete, operational and result-oriented.

b. The agenda shall be adopted by the committee at the beginning of its meeting.

Article 2 – Documentation

Documents requiring a decision, whether originating from the Secretariat or from a member, shall be sent, in the official languages (cf. Article 6 below), to members at least three weeks before the start of the meeting at which the decision is to be taken. In exceptional cases, however, the committee may, if no member objects, consider a document submitted later. Maximum use should be made of information technology, including gathering together amendments and proposals, finalising texts and publishing decisions, provided in the latter cases that all the members of the committee have been properly informed in good time.

Article 3 – Privacy of meetings

Meetings shall not be held in public.

Article 4 – Hearings

Committees and subordinate bodies may organise hearings with international organisations, NGOs, research and academic institutions, experts, specialists, specialist organisations and professional organisations, in a position to contribute to their work, within the limits of available budgetary appropriations.

Article 5 – Quorum

There shall be a quorum if two-thirds of the members of the committee are present.

Article 6 – Official languages

a. The official languages of the committee shall be those of the Council of Europe.

b. In exceptional circumstances, the Secretary General may decide, in particular, in the case of steering and ad hoc committees, to provide for interpretation into one additional language other than the official languages, within the limits of available budgetary appropriations.

c. A committee member may speak in a language other than the official languages, in which case he or she must herself/himself provide for interpretation into one of the official languages.

d. Any document drafted in a language other than the official languages shall be translated into one of the official languages, the member from whom it originates being responsible for making the necessary arrangements.

Article 7 – Proposals

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

b. Proposals made by participants and observers may be put to the vote if sponsored by a committee member.
Article 8 – Order of voting on proposals or amendments

a. 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, the Chair shall decide.

b. 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 committee 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.

c. Parts of a proposal or amendment may be put to the vote separately.

d. In the case of proposals with financial implications, the most costly shall be put to the vote first.

Article 9 – 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; and

c. postponement of a decision on the substance of a proposal until a specified date.

Article 10 – Reconsideration of a question

When a decision has been taken it is only re-examined if a member of the committee so requests, and if this request receives a two-thirds majority of the votes cast.

Article 11 – Voting

a. Each member of the committee shall have one vote; however, where a government designates more than one member, only one of them is entitled to take part in the voting.

b. Subject to any contrary provisions in these Rules, voting requires the quorum. The decisions of the steering committees are taken by a two-thirds majority of the votes cast.

c. Except on procedural matters, other committees shall not take decisions by voting. They shall state their conclusions in the form of unanimous recommendations, or, if this proves impossible, they shall make a majority recommendation and indicate the dissenting opinions.

d. Procedural matters shall be settled by a majority of the votes cast.

e. Where the question arises as to whether or not a matter is procedural in nature, it may not be regarded as such unless the committee decides to that effect by a majority of two-thirds of the votes cast;

f. 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.
Article 12 – Chair

a. Every committee shall elect a Chair and Vice-Chair. However, the Chair of a subordinate body may be appointed by the steering or ad hoc committee to which it is answerable.

b. The Chair shall conduct proceedings and sum up the conclusions whenever he or she thinks necessary. He or she may call to order a speaker who departs from the subject under discussion or from the committee’s terms of reference. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the committee, except in cases where an additional expert from the same country has been appointed to sit on that committee.

c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside the meeting. If the Vice-Chair is absent, the Chair shall be replaced by another member of the Bureau, appointed by the latter or, where there is no Bureau, by a member of the committee appointed by the committee.

d. Election of the Chair and Vice-Chair shall require a two-thirds majority at the first ballot and a simple majority at the second ballot. In steering committees, the election shall be held by secret ballot, in other committees by a show of hands, unless a member of the committee requests a secret ballot.

e. The term of office of the Chair and Vice-Chair shall be one year. It may be renewed once.

Article 13 – Bureau

a. Every steering and ad hoc committee may appoint a bureau consisting of the Chair, the Vice-Chair and a limited number of other members of the committee. The number of other members shall be specified in the committee’s terms of reference. Any other committee may, if need be, appoint a bureau composed, normally, of not more than three members in addition to the Chair and Vice-Chair. The functions of the Bureau are:

- to assist the Chair in conducting the committee’s business;
- to supervise the preparation of meetings at the committee’s request;
- to ensure continuity between meetings as necessary;
- to execute other additional specific tasks delegated by its Committee.

b. No decision on substantive issues shall be taken by the Bureau on behalf of the committee. In exceptional cases and due to time constraint, the Bureau may have recourse to the tacit approval of all the members of the committee through electronic communication, in order to expedite procedure on decisions requested by the Committee of Ministers.

c. Other members of the Bureau shall be appointed in the same manner as the Chair and Vice-Chair. They shall be appointed immediately after the Chair and Vice-Chair in accordance with an equitable distribution of posts, taking into account in particular geographical distribution, gender balance and, where relevant, legal systems.

d. The term of office of such members shall correspond to the duration of the mandate of the committee and may be renewed once. However, a member may, on expiry of her/his second term, be appointed Chair or Vice-Chair. In order to ensure partial replacement of the Bureau each year, the first term of at least one such member shall be limited to one year.

e. A member elected to replace another whose term of office has not expired shall complete her/his predecessor’s term. The same shall apply to the offices of Chair and Vice-Chair.

Article 14 – Working methods

a. Committees may appoint a rapporteur, a drafting committee or both.

b. Where necessary, in order to expedite the progress of their work, committees may entrust a rapporteur or a limited number of committee members with a specific task to be fulfilled by their next meeting, using primarily information technologies.
c. In exceptional cases, for specialised tasks that cannot be performed by a member of the committee or the Secretariat, committees may request the Secretary General to have recourse to consultants subject to the provisions of the relevant resolution and within the limits of budgetary appropriations.

d. Time- and cost-efficiency shall be a guiding principle for committee work, including best possible use of interactive technologies for networks and meetings.

e. Agenda items for information only shall be communicated to members in advance by electronic means allowing the committee to focus during its meeting on agenda items for decision.

Article 15 – Secretariat

a. The Secretary General shall provide the committee with the necessary staff, including the committee secretary, as well as with the administrative and other services it may require.

b. The Secretary General or her/his representative may at any time make an oral or written statement on any subject under discussion.

c. Committees may ask the Secretary General to prepare a report on any question relevant to their work.

Article 16 – Venue of meetings

a. Committees shall normally be convened at the premises of the Council of Europe in Strasbourg.

b. Exceptionally, the Secretary General 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 committee elsewhere, in particular, in other Council of Europe premises, in accordance with the principles of sound management and within the resources available.

Article 17 – Revision

Any committee directly answerable to the Committee of Ministers may propose to the Committee of Ministers to amend these Rules or, in exceptional circumstances, to waive them in part.

Appendix 2 to Resolution CM/Res(2011)24

Payment of travelling and subsistence expenses

The travelling and subsistence expenses of one representative per member state participating in a steering and ad hoc committees shall be borne by the Council of Europe unless otherwise indicated in the respective terms of reference, within the limits of budgetary appropriations.

The travelling and subsistence expenses of either all or only a limited number of members of subordinate bodies, as indicated in their respective terms of reference shall be borne by the Council of Europe, within the limits of budgetary appropriations.

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5 For example, where the terms of reference provide for reimbursement of the expenses of an additional member for the country whose representative has been elected Chair and in special cases set out in the terms of reference.
APPENDIX III
COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

974th meeting – 27 and 28 September 2006

Appendix 2
(Item 1.6)

Message of the Committee of Ministers to committees involved in intergovernmental co-operation at the Council of Europe

(Adopted by the Committee of Ministers on 27 September 2006 at the 974th meeting of the Ministers' Deputies)

On 28 September 2005 the Committee of Ministers adopted a message addressed to all committees involved in intergovernmental co-operation, in which it:

- stressed that the implementation of the decisions taken at the Third Summit of Heads of State and Government, as reflected in the Warsaw Declaration and the accompanying Action Plan, constituted the top political priority for the Committee of Ministers (and the Council of Europe as a whole) in the months and years to come;

- asked all the committees concerned to bear their due share of responsibility for implementing the Action Plan according to their respective fields of competence, adapting their own priorities to those of the Action Plan as from 2006 in the light of budgetary constraints, and informing the Committee of Ministers – via its competent rapporteur groups – of the measures taken and the actions carried out in this regard;

- noted the commitment of the Secretary General to give priority to, and maintain the focus of the entire Secretariat's activity on, the implementation of the Action Plan;

- expressed its confidence in the co-operation and commitment of its institutional partners within the Council of Europe, in particular the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, when it came to rising to the joint challenge of implementing the decisions of the Third Summit quickly and effectively.

Since September 2005, the Committee of Ministers has placed emphasis on a number of priority issues where the political interests at stake were of particular importance and the expectations as to results was greatest. These are consolidation of the Council of Europe's system of human rights safeguards, relations between the Council of Europe and the European Union, enhancement of Council of Europe action to further democracy and good governance, fostering intercultural dialogue, and giving fresh impetus to the process of internal reforms aimed at more efficient and transparent functioning of the Organisation. All this has not made it lose sight of the importance of moving ahead with the accomplishment of the Summit decisions as a whole, and in particular its core objective of preserving and promoting human rights, democracy and the rule of law.

Accordingly, the Committee of Ministers has decided to prepare, for the 117th Ministerial Session in May 2007, a comprehensive report on the implementation of the Summit decisions. It therefore invites the steering committees and the committees of experts involved in intergovernmental co-operation to contribute, with the Secretariat's assistance, to the preparation of this report, intensifying their activities in pursuance of the Action Plan and supplying the appropriate information on what has been, is being and will be done to help achieve this fundamental objective. In this respect it expects steering committees and expert committees to conduct a critical evaluation of the work carried out in recent years, both in terms of its relevance (i.e. to the Organisation's fundamental values) and its value-added (both intrinsically and in relation to the work of other international organisations or other committees of the Council of Europe).

Contributions should reach the Committee of Ministers during the 1st quarter of 2007, in good time (according to the timetable of its rapporteurs and/or working groups) to be considered by the competent subsidiary groups of
the Committee of Ministers with a view to forwarding the contributions to the Follow-up Committee on the Third Summit, responsible for preparing the report to the 117th Ministerial Session.

The “road map” for following up the Action Plan of the Third Summit, as updated in the light of the developments which have occurred since September 2005, is appended.

Appendix

Extract of Road-map for the implementation of the Action Plan

... 

II – STRENGTHENING THE SECURITY OF EUROPEAN CITIZENS

<table>
<thead>
<tr>
<th>Items of the Action Plan</th>
<th>Procedures / Timetable</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Promoting ethics in biomedicine</td>
<td>CM / GR-J CDBI</td>
</tr>
</tbody>
</table>

The Council of Europe shall continue its standard-setting work on bioethics. We encourage the signing of the Protocol on Transplantation, the adoption of provisions corresponding to the recommendations on xenotransplantation and further work on the use of genetic testing outside the medical field, entailing discrimination in access to employment and insurance.

...
ADDENDUM

Ministers’ Deputies
Information documents

CM/Inf(2007)22 14 May 2007*

Working methods of the Ministers’ Deputies
Voting procedures for meetings of the Ministers’ Deputies

The present document reproduces the basic texts concerning voting procedures for meetings of the Ministers’ Deputies.

They are taken from the Statute of the Council of Europe, from the Rules of Procedure for the meetings of the Ministers’ Deputies, from Resolution (93) 27 and from relevant decisions adopted by the Ministers’ Deputies.

The appendix indicates the majorities required when voting on different subjects.

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Statute of the Council of Europe

Article 20

a. Resolutions of the Committee of Ministers relating to the following important matters, namely:

i. recommendations under Article 15.b;

ii. questions under Article 19;

iii. questions under Article 21.a.i and b;

iv. questions under Article 33;

v. recommendations for the amendment of Articles 1.d, 7, 15, 20 and 22; and

vi. any other question which the Committee may, by a resolution passed under d below, decide should be subject to a unanimous vote on account of its importance, require the unanimous vote of the representatives casting a vote, and of a majority of the representatives entitled to sit on the Committee.

b. Questions arising under the rules of procedure or under the financial and administrative regulations may be decided by a simple majority vote of the representatives entitled to sit on the Committee.

c. Resolutions of the Committee under Articles 4 and 5 require a two-thirds majority of all the representatives entitled to sit on the Committee.

d. All other resolutions of the Committee, including adoption of the budget, of rules of procedure and of financial and administrative regulations, recommendations for the amendment of articles of this Statute, other than those mentioned in paragraph a.v above, and deciding in case of doubt which paragraph of this article applies, require a two-thirds majority of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee.

* Revised to take account of the increase in the number of Council of Europe member states (47 member states as from 11 May 2007).

Internet: www.coe.int/bioethics
Rules of Procedure

Article 9 - Voting

1. The following decisions shall require a unanimous vote of the Deputies casting a vote, and a majority\(^7\) of the Deputies entitled to vote:

- Recommendations to governments under Article 15(b) of the Statute\(^8\);
- Decisions on the inclusion of information about the activities of the Committee in the reports made by the Committee of Ministers to the Assembly in pursuance of Article 19 of the Statute\(^9\);
- Decisions to derogate from the rule that meetings are held in private or concerning the publication of information relating to the conclusions and decisions of the Deputies on the basis of the provision of Article 21 of the Statute\(^10\);
- Decisions on holding sessions of the Consultative Assembly elsewhere than in Strasbourg;
- Recommendations for the amendment of the Statute;
- Decisions on the admission of new Members;
- Decisions on matters which the Deputies may, under the conditions provided for in paragraph 4 of the Article, decide to subject to a unanimous vote on account of their importance.

2. Resolutions concerning the adoption of the budget shall be taken by a two-thirds majority.

3. Questions arising under the Rules of Procedure or under the Financial or Staff Regulations shall be decided by a simple majority.

4. All other decisions of the Deputies, including, in case of doubt, the decision as to which paragraph of this Article applies, require a two-thirds majority."

Article 10 - Method of voting

1. In every vote it shall be open to a Deputy:

   - (a) to record his approval, opposition or abstention, which may be accompanied by an explanatory statement;
   - (b) to agree to a text or decision \textit{ad referendum}; in that case he shall inform the Secretariat at a later date whether he is able to give his final agreement. Should his vote have been necessary in order to obtain the statutory majority or to achieve the required unanimity, the adoption of the text or the application of the decision

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\(^{7}\) Article 21 see infra.
\(^{8}\) Article 15(b) of the Statute reads as follows:
"In appropriate cases, the conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations."

\(^{9}\) Article 19 of the Statute reads as follows:
"At each session of the Consultative Assembly the Committee of Ministers shall furnish the Assembly with statements of its activities, accompanied by appropriate documentation."
"See however “The Committee of Ministers of the Council of Europe”, Guy De Vel, p. 59, footnote 3: “This is a reference to the Statutory Report of the Committee of Ministers, which has long been disseminated by the Secretariat without any examination by the Committee of Ministers.”"

\(^{10}\) Article 21 of the Statute reads as follows:
"a. Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held:
   i. in private, and
   ii. at the seat of the Council.

b. The Committee shall determine what information shall be published regarding the conclusions and discussions of a meeting held in private.

c. The Committee shall meet before and during the beginning of every session of the Consultative Assembly and at such other times as it may decide.”
shall be suspended; once the final agreement had been given, the text or decision shall take effect as of the date on which the vote was taken in the meeting of the Deputies.  

2. Where unanimity is required, a Deputy may:
   (a) record his opposition, in which case the proposal shall be rejected;
   (b) require that the decision be deferred; in that case the question is included in the agenda of a subsequent meeting;
   (c) approve the adoption of a text but reserve the right of his government to comply with it or not;
   (d) record his abstention which may be accompanied by an explanatory statement, which shall not prevent the Deputies from reaching a decision in accordance with the provisions of Article 9 of the present Rules.

3. A two-thirds majority is obtained if two-thirds of the Deputies casting a vote and the majority of the Deputies entitled to vote, vote in the same sense.

4. A simple majority requires the votes of half of the number of the Deputies entitled to vote, plus one.

5. Only affirmative and negative votes shall count in calculating the number of votes cast.

6. After the result of a vote has been announced a Deputy may, with the agreement of his colleagues expressed by a simple majority, change the position which he adopted during the vote.

7. Before proceeding to a vote, the Chairman may ask the Deputies to express their views on an indicative basis."

Statutory Resolution (93) 27
on majorities required for decisions of the Committee of Ministers

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe, ...

Resolves as follows:

I. Opening of conventions and agreements for signature

Decisions on the opening for signature of conventions and agreements concluded within the Council of Europe shall be taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee, as set out in Article 20.d of the Statute.

II. Partial Agreements

In accordance with the Statutory Resolution on Partial and Enlarged Agreements, decisions authorising certain member states to pursue an activity as a Partial Agreement shall be taken by a two-thirds majority of the Representatives casting a vote and a majority of the Representatives entitled to sit on the Committee, as set out in Article 20.d of the Statute.

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11 See also CM/Bur/Del(2002)21 (808/1.4, 18 September 2002) and CM(2005)181 revised (951/1.5, 14 December 2005)).

12 In other words as from 11 May 2007, with 47 member states, if 47 Deputies participate in the vote, 32 votes in favour are necessary for an affirmative decision; if 46 Deputies participate in the vote, 31 votes in favour are necessary for an affirmative decision; if 45 or 44 Deputies participate in the vote, 30 votes in favour are necessary for an affirmative decision; if 43 Deputies participate in the vote, 29 votes in favour are necessary for an affirmative decision; if 42 or 41 Deputies participate in the vote, 28 votes in favour are necessary; if 40 Deputies participate in the vote, 27 votes in favour are necessary; if 39 or 38 Deputies participate in the vote, 26 votes in favour are necessary; if 37 Deputies participate in the vote, 25 votes in favour are necessary; if between 36 and 24 Deputies participate in the vote, 24 votes in favour are necessary; if fewer than 24 Deputies participate in the vote, the vote is not carried. Abstentions do not count as a vote for the purposes of calculating the two-thirds majority.

13 The Council of Europe membership from 11 May 2007 being 47, a minimum of 24 votes in favour is necessary for a proposal to be adopted.
443rd meeting of the Ministers’ Deputies
(September 1990) – Item 8

Decision

The Deputies agreed upon a “gentleman’s agreement” amongst themselves to the effect that their delegations would endeavour, whenever possible, not to abstain when voting on the inclusion of activities in the intergovernmental programme of activities.

519bis meeting of the Ministers’ Deputies
(4 November 1994) – Item 2.2 para. C.

Decisions

C. Regarding the voting procedures,

1. the Deputies agreed upon a Gentleman’s Agreement amongst themselves to the effect that no delegation should request the application of the rule of unanimity provided for under Article 20 (a) (I) of the Statute to block the adoption of recommendations to the governments of member States, if the majority foreseen in Article 20 (d) of the Statute has been attained;

2. the Deputies, noting that no binding decision on this subject exists in the Statute, agreed to adopt replies to the Parliamentary Assembly henceforth by the majority provided for in Article 20 (d) of the Statute, considering that every effort will be made to reach a consensus within a reasonable period of time;

3. the Deputies agreed to specify, at the beginning of the text of an answer of the Committee of Ministers to the Parliamentary Assembly, if a delegation should request it, that this answer was adopted by a majority as provided by Article 20 (d) of the Statute.
## APPENDIX

### Majorities required in the Committee of Ministers - Basis: 47 member States

(With the exception of particular provisions applicable under certain Conventions)

<table>
<thead>
<tr>
<th>Simple majority of representatives entitled to sit on the Committee</th>
<th>2/3 majority of representatives entitled to sit on the Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>= 24</td>
<td>= 32</td>
</tr>
</tbody>
</table>

### VOTING

<table>
<thead>
<tr>
<th>Subject Matter</th>
<th>Unanimous votes of the representatives casting a vote and majority of the representatives entitled to sit on the CM (Article 20.a of the Statute and Article 9 of the Rules of Procedure for the Meetings of the Ministers' Deputies).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derogations from the rule that meetings are held in private; publication of information relating to conclusions and decisions by the CM; holding of Assembly sessions elsewhere than in Strasbourg; Recommendations for the amendment of certain Articles of the Statute (1d, 7, 15, 20 and 22); any other question which the CM may consider to be of the requisite importance (by a decision taken with a 2/3 majority of votes cast and a majority of representatives entitled to sit on the CM); replies to Written Questions addressed to the Committee of Ministers; decisions relating to the admission of new members, when such decisions are taken by the Deputies.</td>
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</tr>
</tbody>
</table>

### SUBJECt MATTER

<table>
<thead>
<tr>
<th>2/3 majority of votes cast and majority of representatives entitled to sit on the CM.</th>
<th>Most decisions, including the adoption of the budget, of the Rules of Procedure of the CM and for meetings of the Deputies, Financial and Administrative Regulations; decision - in the event of doubt - as to which majority is applicable to a particular item; opening for signature of conventions; authorisation to set up partial agreements.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decisions adopted by the Deputies on 4 November 1994 (519bis meeting):</strong></td>
<td></td>
</tr>
<tr>
<td>Recommendations to Governments: Gentleman's agreement = no delegation will request the application of the unanimity rule provided under Article 20.a.i of the Statute to block the adoption if the majority provided for in Article 20.d (i.e. 2/3 votes cast and majority of representatives entitled to sit) has been reached.</td>
<td></td>
</tr>
<tr>
<td>Replies to Assembly Recommendations: noting the absence of binding provisions on this matter in the Statute, the Deputies decided to adopt such replies with the majority provided under Article 20.d of the Statute (i.e. 2/3 votes expressed and majority of representatives entitled to sit), &quot;considering that every effort will be made to reach a consensus within a reasonable period of time&quot;. If so requested by a delegation, it will be indicated at the beginning of the text of a reply that the reply has been adopted with the majority provided under Article 20.d of the Statute.</td>
<td></td>
</tr>
</tbody>
</table>

| 2/3 majority of representatives entitled to sit on the CM. | For example, decisions on the admission of observers to steering committees. |

| Simple majority of representatives entitled to sit on the CM. | Decisions coming under the Rules of Procedure or the Financial and Administrative Regulations, decisions concerning the agenda, procedural matters, reopening of discussion. |

"Only affirmative and negative votes shall count in calculating the number of votes cast." Article 10.5 of the Rules of Procedure for the meetings of the Ministers' Deputies.
Different possibilities concerning a 2/3 majority of votes cast and majority of the representatives enabled to sit on the Committee of Ministers

<table>
<thead>
<tr>
<th>MAJORITY</th>
<th>VOTES CAST</th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td>32</td>
</tr>
<tr>
<td>46</td>
<td>31</td>
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<td>45</td>
<td>30</td>
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<td>32</td>
<td>24</td>
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<tr>
<td>31</td>
<td>24</td>
</tr>
</tbody>
</table>

After doubling the number of votes against:

a. if the resulting number is lower than or equal to the number of votes in favour, the 2/3 majority has been reached (e.g. 24 for, 12 against, 10 abstentions: carried);
b. if, on the contrary, the number obtained in this way is higher than the number of votes in favour, the 2/3 majority has not been reached (e.g. 24 for, 13 against, 9 abstentions: not carried).
Establishing criteria for projects

I. Purpose of the criteria

1. Following the presentation of the report by the Rapporteur on the Programme of Activities concerning the 2004 Progress Review Report, the Deputies mandated the Secretary General to make proposals with a view to establishing criteria for continuing existing projects and launching new projects and their evaluation, in the light of the Warsaw Action Plan (CM/Del/Dec(2005)929/1.7, 8 June 2005).

2. The Directorate of Strategic Planning has therefore formulated a set of criteria and corresponding evaluative questions with regard to:

- Launching new projects (Appendix I)
- Discontinuing existing projects (Appendix II)
- Evaluation of completed or terminated Projects (Appendix III)

3. The objective is to establish a reference framework for projects, particularly in the preparation of the Programme of Activities. The criteria should be seen as guidelines to facilitate decisions about the inclusion or continuation of projects. These criteria are not necessarily cumulative and should always be considered in the general political and financial context of the Council of Europe. The specific situation and mandate of the various monitoring and treaty-based mechanisms and bodies should also be taken into consideration.

4. The criteria take into account the political decisions taken at the Warsaw Summit contained in the Action Plan and the Declaration, towards further progress in building a Europe without dividing lines based on common values, and in particular paragraph 1 of the Declaration: “The Council of Europe shall pursue its core objective of preserving and promoting human rights, democracy and the rule of law. All its activities must contribute to this fundamental objective.”

In this context, reference should also be made to Chapter V of the Action Plan which invites the Secretary General to continue with internal reforms, including working methods.

II. Previous efforts in the Council of Europe

5. This document draws mainly on these recent political decisions, but it does not ignore previous efforts made in the Council of Europe in setting criteria for projects/activities, of which two are worth mentioning:

- Selection criteria for priority activities under Vote II: adopted by the Committee of Ministers at the 523rd meeting of the Ministers’ Deputies (12-15 December 1994)
- Selection criteria included in the Council of Europe’s (public) health and related activities: operationalisation of the strategic approach (CM(2005)37). Although this concerns one particular sector in the Council of Europe, it can be taken as a reference for similar efforts.

14 Approved at the Deputies’ 984th meeting (17 and 18 January 2007, item 1.9). Internet: http://www.coe.int/t/cm/
III. Proposed criteria for launching, discontinuing and evaluating Council of Europe projects

6. The process of defining criteria for projects should be set within a larger context of an evaluation policy of the Council of Europe. Currently, such a fully-fledged policy does not exist and needs to be developed. The development of such a policy will be broached in the context of Chapter V of the Action Plan (see CM(2006)70 final).

7. The five criteria for projects are defined as follows:

1. **Relevance**: that the project’s objective is in line with the Third Summit Declaration and Action Plan, and contributes to the Council of Europe core objective of preserving and promoting human rights, democracy and the rule of law, and priorities as well as country-specific needs.

2. **Added Value**: the Council of Europe comparative advantage, prevention of unnecessary internal and external duplication. Ability of the Council of Europe, through its specific approach, composition and working methods to make a significant contribution.

3. **Effectiveness**: the extent to which the project’s objective and expected results were achieved, or are expected to be achieved; it also includes the concept of risk, the level of interest of member states and quality of project design. Risk identifies factors/assumptions affecting or likely to affect the successful achievement of a project’s objective. Quality of project design covers appropriateness of objectives, expected results and performance indicators within the framework of project’s budget and duration.

4. **Efficiency**: a measure of how economically resources/inputs such as staff and operational resources and time are converted to results.

5. **Impact and sustainability**: medium and long-term effects produced by the project and the continuation of benefits after project implementation has been completed.

IV. When should a project be launched?

8. A project should be launched if it:

   - Fully complies with the relevance and added value criteria

9. A project cannot be launched if it fails the relevance criteria. If a project complies with the relevance criteria, its compliance with all other criteria will also need to be checked, and an overall assessment must be made in order to take a decision whether to launch the project or not.

10. The basic relevance criterion concerns the project’s contribution to the Council of Europe’s core objective of preserving and promoting human rights, democracy and the rule of law, as stated in the Warsaw Declaration and Action Plan (or its justification because it enables the implementation of the core objective).

11. Once the basic relevance criterion is cleared, the project’s relevance and degree of importance is assessed through the following criteria:

   - political justification/framework (e.g. Summit Action Plan, Committee of Ministers’ decisions including its decisions on follow-up to Ministerial Sessions and to ministerial conferences, annual/mid-term priorities)
   - consolidation, promotion, implementation of Council of Europe standards (e.g. Conventions, Recommendations, Monitoring mechanisms, Human Rights Commissioner, Court cases, Committee of Ministers’ monitoring) and development of standards to meet new challenges in European societies - in particular, implementing results of monitoring mechanisms and procedures
   - relevance to Council of Europe country strategies and country-specific needs
12. Before launching a project an explanation should also be provided on why the project must be launched now, thereby justifying its timeliness.

✓ Has an added value

13. The project has to specify the Council of Europe comparative advantage vis-à-vis other international organisations and provide evidence that such screening has been done. Unnecessary duplication is to be avoided.

✓ Should be effective

14. This criterion concerns the extent to which the project’s objective and expected results are expected to be achieved. It includes the quality of the project design (e.g. clearly stated expected results), risks (both internal and external) and financial feasibility. Alternative ways to achieve the desired result should be assessed. The budgetary constraints of the Council of Europe are to be taken into account.

✓ Is likely to have impact and be sustainable in the long-term

15. A new project should also look beyond the achievement of results into mid-term and long-term implications. The likelihood of producing sustainable changes in member states (policy, practice and legislation) should be assessed.

V. When should a project be discontinued?

16. In principle, all projects which do not fit the relevance criteria (see above) should be discontinued. Compliance with the relevance criteria is necessary, but not sufficient. Projects which satisfy these criteria should also be discontinued or revised, if:

✓ there is evidence of unnecessary duplication, either internally or externally
✓ expected results are not easily and sufficiently discernible and verifiable
✓ there is no likelihood of achieving expected results within the planned time frame and budgetary requirements
✓ the expected results are one-off events without a follow-up (as an exception, one-off events could be considered, in particular if they have a significant political or media impact).
✓ the probability of achieving sustainable changes is weak

VI. Evaluation of completed or terminated Projects

17. It is essential for a project to be evaluated after its termination, generally after some time has elapsed (e.g. 3 years). This evaluation should involve assessment of its design, relevance to broader/higher objectives, effectiveness of implementation, value for money and short-term and long-term effects on the target groups. The evaluation could also focus on only one of these issues.

18. Contrary to ‘launching’ and ‘discontinuing’ projects, evaluation is not designed for swift decision-making. The main purpose of such evaluation is formative, that is, to learn from past experience and improve the planning and implementation of similar projects.

19. Evaluation should be undertaken, as far as possible by independent experts subject to the availability of financial resources, if those are not available by internal means. The rules on evaluation will be further clarified within a Council of Europe policy framework on evaluation.
# Appendix I

## GUIDELINES FOR THE APPLICATION OF THE CRITERIA FOR LAUNCHING NEW PROJECTS

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Relevance</strong></td>
<td>“To what extent does the project contribute to the Council of Europe’s core objective as defined in the Warsaw Declaration and Action Plan of preserving and promoting human rights, democracy and the rule of law?”</td>
</tr>
<tr>
<td></td>
<td>• Political justification/framework (e.g. Third Summit Action Plan, Annual/mid-term priorities, ministerial conferences, accession commitments)</td>
</tr>
<tr>
<td></td>
<td>• Consolidation, promotion, implementation of Council of Europe standards (e.g. Conventions, Recommendations, Monitoring mechanisms, Human Rights Commissioner, Court cases).</td>
</tr>
<tr>
<td></td>
<td>• Relevance to Council of Europe country strategies and country-specific needs</td>
</tr>
<tr>
<td></td>
<td>• Timeliness of the project</td>
</tr>
<tr>
<td><strong>2. Added-Value</strong></td>
<td>“Does the project have a clear comparative advantage vis-à-vis similar projects implemented by other International Organisations and have all necessary steps been taken to avoid the risk of unnecessary duplication?”</td>
</tr>
<tr>
<td></td>
<td>• Council of Europe as leading agency, most important facilitator</td>
</tr>
<tr>
<td></td>
<td>• Project covering ‘new ground’</td>
</tr>
<tr>
<td></td>
<td>• Possibility of partnerships with other International Organisations</td>
</tr>
<tr>
<td></td>
<td>• Avoiding unnecessary internal and external duplication</td>
</tr>
<tr>
<td><strong>3. Effectiveness</strong></td>
<td>“Are the project's objective and expected results achievable?”</td>
</tr>
<tr>
<td>a. Quality of Project design</td>
<td>“Are the project's objective and expected results clearly stated, verifiable and focused?”</td>
</tr>
<tr>
<td></td>
<td>• Clear target groups and/or country focus</td>
</tr>
<tr>
<td></td>
<td>• “SMART” performance indicators (Specific, Measurable, Achievable, Realistic and Timely)</td>
</tr>
<tr>
<td>b. Risk</td>
<td>“What are the factors/assumptions which are likely to affect the successful achievement of the project's objective?” How will these be managed?</td>
</tr>
<tr>
<td></td>
<td>• Internal factors (organisational, budgetary)</td>
</tr>
<tr>
<td></td>
<td>• External factors (political)</td>
</tr>
<tr>
<td></td>
<td>• Degree of consensus/reservations among project’s stakeholders</td>
</tr>
<tr>
<td><strong>4. Efficiency</strong></td>
<td>“Is the project budgeted at a reasonable cost and/or will it likely require additional resources if continued in future years”</td>
</tr>
<tr>
<td></td>
<td>• Possibility for external funding (voluntary contributions, European Commission/Council of Europe Joint Programmes)</td>
</tr>
<tr>
<td></td>
<td>• Possibility of funding through in-house co-operation</td>
</tr>
<tr>
<td><strong>5. Impact and Sustainability</strong></td>
<td>“What is the likelihood of the project's actual results producing changes in Council of Europe member states’ national legislation, policies and practices?”</td>
</tr>
<tr>
<td></td>
<td>• Timeframe for entry into force of new standard setting instruments (e.g. Convention, Protocol)</td>
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<tr>
<td></td>
<td>• Project’s follow-up and long-term benefits</td>
</tr>
</tbody>
</table>
# Appendix II

## GUIDELINES FOR THE APPLICATION OF THE CRITERIA FOR DISCONTINUING EXISTING PROJECTS

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Relevance</strong></td>
<td><em>“To what extent does the project contribute to the Council of Europe’s core objective as defined in the Warsaw Declaration and Action Plan of preserving and promoting human rights, democracy and the rule of law?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ Political justification/framework (e.g. Third Summit Action Plan, Annual/mid-term priorities, ministerial conferences, accession commitments)</td>
</tr>
<tr>
<td></td>
<td>▪ Consolidation, promotion, implementation of Council of Europe standards (e.g. Conventions, Recommendations, Monitoring mechanisms in, Human Rights Commissioner, Court cases, Committee of Ministers’ monitoring)</td>
</tr>
<tr>
<td></td>
<td>▪ Relevance to Council of Europe country strategies and country-specific needs</td>
</tr>
<tr>
<td></td>
<td>▪ Timeliness of the project</td>
</tr>
<tr>
<td><strong>2. Added-Value</strong></td>
<td><em>“Is a similar project being currently implemented by another International Organisation or another body of the Council of Europe?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ Extent of unnecessary duplication</td>
</tr>
<tr>
<td><strong>3. Effectiveness</strong></td>
<td><em>“How has the project been performing over the previous year(s)?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ Likelihood of achieving expected results</td>
</tr>
<tr>
<td></td>
<td>▪ Quantitative/qualitative performance indicators</td>
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<tr>
<td></td>
<td>▪ Factors affecting progress</td>
</tr>
<tr>
<td></td>
<td>▪ Possibility to modify/adapt the project’s objectives in order to improve its effectiveness</td>
</tr>
<tr>
<td><strong>a. Risk</strong></td>
<td><em>“What is the level of political interest among member states concerning the usefulness of this project?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ Potential consequences following the project’s termination on member states, target groups, stakeholders and on Council of Europe’s visibility</td>
</tr>
<tr>
<td></td>
<td>▪ Political reasons for keeping the project running</td>
</tr>
<tr>
<td></td>
<td>▪ Organisational reasons (e.g. budgetary constraints) for discontinuing the project</td>
</tr>
<tr>
<td><strong>b. Quality of project design</strong></td>
<td><em>“Are the project’s objective and expected results achievable and verifiable?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ Quality of performance indicators (SMART)</td>
</tr>
<tr>
<td><strong>4. Efficiency</strong></td>
<td><em>“Have the project’s costs been met within its initial budgetary estimates?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ Project’s ability to absorb its total budget by the end of its duration</td>
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<td></td>
<td>▪ Number of expected results to be carried over to future years</td>
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<tr>
<td></td>
<td>▪ Additional staff and operational resources required</td>
</tr>
<tr>
<td><strong>5. Impact and Sustainability</strong></td>
<td><em>“To what extent are the project’s impact and results easily discernable?”</em></td>
</tr>
<tr>
<td></td>
<td>▪ One-off pilot project vs. level of built-in multiplier/long-term effect</td>
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<tr>
<td></td>
<td>▪ Number of target groups/countries affected, type of follow-up</td>
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<tr>
<td></td>
<td>▪ Current proposals from member states concerning possible future voluntary contributions</td>
</tr>
<tr>
<td></td>
<td>▪ Current negotiations for future Joint Programmes with European Commission in this field</td>
</tr>
</tbody>
</table>
GUIDELINES FOR THE APPLICATION OF CRITERIA FOR EVALUATION OF COMPLETED OR TERMINATED PROJECTS

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Relevance</td>
<td>“To what extent did the project contribute to the Council of Europe’s core objective as defined in the Warsaw Declaration and Action Plan of preserving and promoting human rights, democracy and the rule of law?”</td>
</tr>
<tr>
<td></td>
<td>▪ Political justification/framework (e.g. Third Summit Action Plan, Annual/mid-term priorities, ministerial conferences, accession commitments)</td>
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<td></td>
<td>▪ Consolidation, promotion, implementation of Council of Europe standards (e.g. Conventions, Recommendations, Monitoring mechanisms in, Human Rights Commissioner, Court cases, Committee of Ministers’ monitoring)</td>
</tr>
<tr>
<td></td>
<td>▪ Relevance to Council of Europe country strategies and country-specific needs</td>
</tr>
<tr>
<td></td>
<td>▪ Timeliness of the project</td>
</tr>
<tr>
<td>2. Added-Value</td>
<td>“Was there a substantial Council of Europe added-value in the project’s results when compared with activities carried out by other international organisations in this field?”</td>
</tr>
<tr>
<td>3. Effectiveness</td>
<td>“To what extent were the expected results and the Project objective achieved?”</td>
</tr>
<tr>
<td></td>
<td>▪ Short-term project effects (1-3 years) on the target groups</td>
</tr>
<tr>
<td></td>
<td>▪ Unplanned/unexpected results</td>
</tr>
<tr>
<td>a. Risk</td>
<td>“Were there any major factors which influenced the achievement or non-achievement of the project’s objective?”</td>
</tr>
<tr>
<td></td>
<td>▪ Type and nature of corrective actions undertaken; unresolved problems</td>
</tr>
<tr>
<td></td>
<td>▪ Risk assessment</td>
</tr>
<tr>
<td>b. Quality of project design</td>
<td>“How well did the actual project’s activities and actual results match the project’s intended results and impact?”</td>
</tr>
<tr>
<td></td>
<td>▪ Pre-feasibility study/needs-assessment carried out</td>
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<tr>
<td></td>
<td>▪ Link between the achievement of expected results and attainment of project objective?</td>
</tr>
<tr>
<td></td>
<td>▪ Quality of performance indicators (SMART)</td>
</tr>
<tr>
<td>4. Efficiency</td>
<td>“Was the project cost- and time-efficient?”</td>
</tr>
<tr>
<td></td>
<td>▪ Financial problems encountered</td>
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<td></td>
<td>▪ Expected results achieved on time</td>
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<td></td>
<td>▪ Project delivery through appropriate management mechanisms</td>
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<td></td>
<td>▪ The ratio of time spent in fund-raising to time spent in implementing projects</td>
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<tr>
<td></td>
<td>▪ Quality of project management</td>
</tr>
<tr>
<td></td>
<td>▪ Problems encountered and solutions found</td>
</tr>
<tr>
<td></td>
<td>▪ Steps to be taken to avoid similar problems in future projects</td>
</tr>
<tr>
<td>5. Impact and Sustainability</td>
<td>“To what extent will the project’s benefits (results) continue after its conclusion?”</td>
</tr>
<tr>
<td></td>
<td>▪ Mid-term effects (3-5 years) on the target groups</td>
</tr>
<tr>
<td></td>
<td>▪ Council of Europe instruments promoted and visibility of Council of Europe activities enhanced</td>
</tr>
<tr>
<td></td>
<td>▪ Voluntary contributions and Joint Programme funding attracted by the project</td>
</tr>
<tr>
<td></td>
<td>▪ Level of inter-directorate collaboration</td>
</tr>
<tr>
<td></td>
<td>▪ Major factors influencing achievement/non-achievement of the project’s sustainability</td>
</tr>
</tbody>
</table>