

STANDING COMMITTEE

Valletta, Malta

23 May 2025

TEXTS ADOPTED BY THE ASSEMBLY

Provisional versions

Table of contents

Opinion

Opinion 306 (2025)	Draft Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Doc. 16173)
------------------------------------	--

Resolution

Resolution 2604 (2025)	Expenditure of the Parliamentary Assembly for the biennium 2026-2027 (Doc. 16166)
--	---

Opinion
306



Opinion 306 (2025)¹

Provisional version

Draft Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the finalisation of the draft Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30, “the Convention”) by the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters and the European Committee on Crime Problems.
2. Since the Convention was first established in 1959, criminal activities have become ever-more transnational. International and especially cross-border co-operation is essential to combat transnational crime – and this co-operation should be as rapid, effective and efficient as possible. At the same time, co-operation and mutual assistance in criminal matters should respect human rights and the rule of law: for Council of Europe member States this includes the standards of protection under the European Convention on Human Rights (ETS No. 5), in particular the right to a fair trial and the right to respect for private life.
3. The Convention has been updated with Protocols approximately every twenty years, with the First Additional Protocol (ETS No. 99) opened for signature in 1978 and the Second Additional Protocol (ETS No. 182) in 2001, to meet the relevant needs of co-operation in criminal matters. The Draft Third Additional Protocol (“the Draft Third Protocol”) follows this pattern: it provides for a welcome modernisation of the Convention by reflecting the use of modern technologies as well as by broadening the range of means via which mutual assistance can be requested and facilitating the execution of mutual assistance requests.
4. The Assembly welcomes that the draft Third Protocol takes account of modern technological developments to facilitate mutual assistance requests and make them more cost-effective, notably by prioritising secure electronic communication in request procedures, by enabling hearings by video conference (with relevant safeguards), by establishing procedures to facilitate the use of recording devices when the subject of an investigation enters the territory of another Party, as well as a procedure through which Parties can make requests for the interception of telecommunications.
5. As regards hearings by video conference (Article 2), the Assembly notes that Parties may at their discretion apply this possibility to hearings involving the accused person or the suspect. In this case, the manner in which the video conference shall be carried out shall be subject to agreement between the Parties concerned, in accordance with national law and relevant international instruments (Article 2, paragraph 8). The Assembly understands that this should be done in accordance with the right to a fair trial enshrined in Article 6 of the European Convention on Human Rights and/or other similar provisions under international human rights law. This implies that the accused person or suspect should be guaranteed the right to follow the proceedings without technical impediments and the right to legal assistance, including effective and confidential communication with a lawyer. For the sake of clarity, the Assembly proposes that these safeguards be explicitly referred to in the draft Explanatory Report to the Protocol in relation to Article 2, paragraph 8.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 23 May 2025 (see [Doc. 16173](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Vladimir Vardanyan).*



6. A significant part of the draft Third Protocol (Articles 3 and 4) is designed to facilitate international co-operation concerning State surveillance. The draft text sets out an improved legal basis for such co-operation, with safeguards such as the obligation for the requesting State to indicate the reason why the purpose sought with the surveillance measure cannot be adequately achieved by other means of investigation, thereby facilitating a proportionality test; and the possibility of refusing a request on the ground that such a measure would not have been authorised under the law of the requested Party. The Assembly welcomes these safeguards and notes that they are also meant to cover the refusal of a request on the rule of law or human rights grounds, including on the basis of the European Convention on Human Rights.

7. Whilst supporting the introduction of a legal basis for international co-operation, equipped with sound safeguards, the Assembly recalls that the European Court of Human Rights has identified significant shortcomings in the regulation, oversight and functioning of State surveillance in several member States, in violation of the right to respect for private life guaranteed by Article 8 of the European Convention on Human Rights. Many of these judgments are still pending implementation, indicating that the problems identified by the European Court of Human Rights remain.

8. Along the same lines, in its [Resolution 2513 \(2023\)](#) “Pegasus and similar spyware and secret State surveillance”, the Assembly highlighted the highly intrusive nature of modern spyware used for targeted surveillance, expressing deep concern that spyware had been used illegally or for illegitimate purposes by several member States. The Assembly concluded that recourse to such spyware should be limited to exceptional situations, as a measure of last resort, and always under court supervision.

9. Likewise, in its [Recommendation 2258 \(2023\)](#), the Assembly called on the Committee of Ministers to adopt a recommendation to member States of the Council of Europe on secret surveillance and human rights, particularly in the light of the threats posed by new surveillance technologies and spyware; and to examine the feasibility of a Council of Europe convention on the acquisition, use, sale and export of spyware. The Committee of Ministers agreed that a non-binding instrument on secret surveillance and human rights would have a genuine added value and invited the Steering Committee for Human Rights to bear this in mind in its work. In December 2024, the European Commission for Democracy through Law (“Venice Commission”) adopted a report entitled “A rule of law and human rights compliant regulation of spyware” at the request of the Assembly. This concluded that spyware is “an unprecedentedly intrusive surveillance tool”, which should only be developed and used under relevant legal frameworks meeting strict requirements. It transpires from this study that relatively few States have developed legislation that specifically regulates the use of spyware. It is also doubtful whether member States have all the necessary minimum safeguards in place.

10. With these considerations in mind, the Assembly recommends that the draft Third Protocol be adopted by the Committee of Ministers and opened for signature and ratification. At the same time, however, the Assembly makes a strong call for urgent steps to be taken to ensure that State surveillance is carried out following procedures which are compliant with international standards, failing which greater international co-operation is bound to be flawed. In particular:

10.1. Council of Europe member States should take the necessary steps to implement judgments of the European Court of Human Rights concerning State surveillance by adopting the relevant general measures required;

10.2. Council of Europe member States should ensure that their legal framework for the development and use of spyware includes the minimum safeguards as set out by the Venice Commission;

10.3. the Committee of Ministers should take further steps towards the adoption of a recommendation on secret surveillance and human rights and a legally binding instrument on the acquisition, use, sale, and export of spyware, in light of the Assembly [Recommendation 2258 \(2023\)](#);

10.4. non-member States of the Council of Europe which are Parties to the Convention and wish to become Parties to the Third Protocol should also ensure that their legislative framework on State surveillance and its implementation are compliant with international human rights standards.

Resolution
2604



Resolution 2604 (2025)¹

Provisional version

Expenditure of the Parliamentary Assembly for the biennium 2026-2027

Parliamentary Assembly

1. Recalling the 4th Summit of Heads of State and Government, held in Reykjavik, on 16-17 May 2023, the Parliamentary Assembly reaffirms the Council of Europe's key role in Europe's multilateral architecture and in guaranteeing democratic stability across the continent. It believes that in a rapidly evolving international political environment and against the background of democratic backsliding and war of aggression against one of its member States, the Council of Europe's contribution to upholding democracy, human rights and the rule of law throughout Europe and beyond, and to securing a fair and lasting peace and accountability, is relevant as never before.
2. The Assembly therefore welcomes the member States' political and financial commitment which resulted in an increase of the Organisation's financial resources within the framework of the 2024-2025 biennial budget. Reaffirming its position that member States' financial contribution should match their political ambition expressed at the 4th Summit of Heads of State and Government, the Assembly firmly believes that the Organisation's means and capacities should be further strengthened, in order to enable the Council of Europe to effectively deliver on the 4th Summit's outcomes, thus fulfilling the political mission that member States have given to it. It trusts that the budgetary process for 2026-2027 will be guided by these considerations.
3. Within the framework of each programme and budget cycle, the Assembly adopts a Resolution on its expenditure, in accordance with Committee of Ministers Resolution (53)38 and in line with Article 20 of the Financial Regulations of the Council of Europe.
4. Resolution 2501 (2023) adopted within the framework of the 2024-2025 budget of the Council of Europe laid down the priorities and expenditure of the Assembly for the first biennium of the 2024-2027 Programme and Budget. The present resolution updates these priorities and the corresponding expenditure for the period 2026-2027.
5. For the period 2024-2027, the Assembly decided to focus its political priorities on contributing to the outcomes of the 4th Summit of Heads of State and Government. Thanks to the additional resources granted within the framework of the 2024-2025 budgetary exercise (including in terms of Secretariat reinforcement), the Assembly was able to actively contribute to the implementation of the Reykjavik Declaration, notably by providing the parliamentary dimension of the Organisation's activities through recommendations, guidelines and targeted co-operation for national parliaments.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 23 May 2025 (see [Doc. 16166](#), report of the Committee on Rules, Ethics and Immunities, rapporteur: Mr Christophe Brico).*



6. Accordingly, in line with a thematic approach, the Assembly contributed to the following chapters of the Reykjavik Declaration:

6.1. the consequences of the Russian Federation's war of aggression against Ukraine: political, legal and human rights aspects of the aggression; the situation of children of Ukraine, including the launching of a dedicated parliamentary network; missing persons, prisoners of war and civilians in captivity; supporting displaced persons; supporting reconstruction; counteracting erasure of cultural identity; reparation and reconciliation processes; the role of sanctions in counteracting aggression;

6.2. upholding democracy and counteracting backsliding: participatory and deliberative processes; relationship between the parliamentary majority and the opposition; the revised Code of Good Practice on Referendums; targeted support for democratic elections, including through country action plans and joint programmes with the European Union;

6.3. implementation of judgments of the European Court of Human Rights: stepped up political dialogue with member States, providing a parliamentary dimension to this process;

6.4. youth perspective: establishing a PACE-Youth Participation Mechanism which provides for the participation of young Europeans in Assembly deliberations as well as for the appointment of youth rapporteurs in Assembly general committees;

6.5. the mainstreaming of the right to a safe, clean, healthy and sustainable environment as a human right: parliamentary contribution to the Reykjavik process; safeguarding human rights for future generations; cultural heritage and climate change; adoption of the statutory opinion on the draft Council of Europe Convention on the Protection of the Environment through Criminal Law;

6.6. human rights and new technologies: adoption of the statutory opinion on the draft Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225); setting up of a dedicated Sub-Committee on Artificial Intelligence and Human Rights (within the Committee on Legal Affairs and Human Rights); preparation of reports on artificial intelligence's impact on democracy, migration, gender equality, parliamentary work and international humanitarian law;

6.7. engaging with civil society from Belarus and the Russian Federation sharing the values and principles of the Council of Europe: institutionalising the participation of a representative delegation of democratic forces from Belarus in Assembly activities; launching dialogue with democratic forces from the Russian Federation;

6.8. media and freedom of information: addressing guarantees of media freedom and the safety of journalists; counteracting propaganda and safeguarding freedom of information; addressing risks and opportunities of the metaverse.

7. Moreover, the Assembly continued to work on transversal issues, such as the promotion of gender equality (including by launching the Vigdís Prize for Women's Empowerment) and combating discrimination (including by addressing human rights challenges facing LGBTI people through a unique parliamentary platform). Equally, human rights of migrants, refugees and asylum seekers remained top on the agenda, including the issue of human rights-compliance of asylum procedures; the theme of migration and asylum in election campaigns; as well as addressing migrant smuggling under a shared European approach.

8. As regards its statutory role, from 1 January 2024 until 30 April 2025, the Assembly elected 14 judges to the European Court of Human Rights, adopted opinions on three draft conventions and an opinion on an application for membership of the Council of Europe forwarded to it by the Committee of Ministers under Statutory Resolution (51)30.

9. Pursuing the modernisation of its working methods, the secretariat of the Assembly continued to enhance the functionalities of the Pace-Apps portal and application. Currently, Pace-Apps allows members to better organise their work in the Assembly, by providing online access to documents from committees and other Assembly bodies, and to exercise their right of initiative by electronically submitting motions, written declarations, and amendments to texts under discussion. This resulted in a significant reduction of printing costs and a decrease in the carbon footprint of the Assembly's activities. Moreover, the secretariat of the Assembly has piloted the use of artificial intelligence-powered technologies, notably by improving transcription processes of plenary debates and preparing summaries of adopted texts.

10. Against this background, for the 2026-2027 biennium, the Assembly will further sharpen the focus of its activities in the following areas:
- 10.1. strengthening support to Ukraine, focusing on accountability issues and on the situation of children, through the Parliamentary Network on the situation of the children of Ukraine;
 - 10.2. launching initiatives to leverage the parliamentary dimension of the implementation of the judgments of the European Court of Human Rights, in particular through a parliamentary network;
 - 10.3. contributing to the implementation of the Pact for Democracy, including by providing its parliamentary dimension, stepping up co-operation activities in the field of democratic elections, enhancing engagement with civil society, including with representatives of democratic forces from Belarus and the Russian Federation sharing the Council of Europe values and principles, as well as implementing the PACE-Youth Participation Mechanism;
 - 10.4. building upon the role of parliamentarians as legislators, supporting the promotion and domestic implementation of key conventions, including the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law;
 - 10.5. stepping up support for the Reykjavik process for the right to a safe, clean, healthy and sustainable environment as a human right, including through the Parliamentary Network for a healthy environment;
 - 10.6. further strengthening the Assembly's integrity framework including by implementing Resolution 2596 (2025) "Respect for the rule of law and the fight against corruption within the Council of Europe".
11. To support the implementation of readjusted political priorities, the Assembly will optimise the structure, flexibility and agility of its bodies, for example by sun-setting or putting on hold, if appropriate, certain sub-committees; and by further developing, using the operational savings thus generated, different structures and working methods, such as limited period networks or activities to follow-up reports.
12. Moreover, the Assembly will resume the modernisation of its working methods, including through digital transformation and the use of artificial intelligence-powered technologies, which will continue to generate efficiency gains. These include:
- 12.1. enhancing efficient processes for the organisation of part-sessions, thanks to online tools (Pace-Apps) and the automation of processes relating to the preparation of verbatim records of plenary sittings with the support of artificial intelligence-powered tools; thus, resources will be redeployed to strengthen the staffing capacity in key areas such as communication and co-operation, so as to enable more outreach and visibility of the Assembly and Council of Europe work within national parliaments and towards related stakeholders;
 - 12.2. the continuation of the development of Pace-Apps portal and app, and the deployment of artificial intelligence-powered tools currently being developed for the needs of the Council of Europe Secretariat. These measures will further reduce operational costs (including regarding printing and translation of documents); the savings generated will be reinvested into co-operation and capacity-building activities for national parliaments in particular to support their own use of artificial intelligence-powered technologies and tools in their activities.
13. Alongside these efficiency gains, the Assembly has identified the need for additional staffing resources in order to meet the heightened demands upon its structures. This will enable it to add a robust parliamentary dimension at the international and national level to meet the new and emerging challenges of today's context as targeted by the Pact for Democracy and other Reykjavik priorities. The additional resources outlined in the appendix to this resolution will thus be dedicated to ensuring a strong parliamentary contribution to the Pact for Democracy, to building up the Assembly's interaction with youth in all its work, to launching a new parliamentary network supporting the implementation of judgments of the European Court of Human Rights, to implementing a robust integrity framework within the Assembly, and to designing and implementing a co-operation strategy with parliaments at the national level on the use of artificial intelligence in parliamentary activities.
14. Lastly, the Assembly welcomes the strengthening of the legal and financial basis of political groups during 2024-2025, notably through the adoption of a new rule on the status of group secretaries and assistants to bring their legal status and terms of employment in accordance with the overall new Council of Europe Staff Regulations. It equally welcomes the strengthening of the financial basis to enable the good

functioning of the political groups and expects that the corresponding amount in its budgetary proposal for 2026-2027 will be adjusted to inflation, in line with the existing methodology and rules to maintain this new stability of functioning.

Appendix – Expenditure needs of the Assembly

1. Staff expenditure

1. The budget of the Parliamentary Assembly covers basic salaries, allowances (both non-recurrent and periodical) and social insurance for staff of the secretariat of the Assembly.
2. In accordance with the 2024-2025 programme and budget, as adjusted for 2025, as of 1 January 2025, the secretariat of the Assembly has 84 jobs (including 47 A-grade jobs, 36 B-grade jobs, and 1 specially appointed official – Secretary General of the Parliamentary Assembly). It is recalled that, thanks to additional resources granted to the Assembly Secretariat for the 2024-2025 biennium, 3 A-grade jobs of committee secretaries and 1 B-grade job of committee assistant were created. Moreover, the Assembly secretariat benefits from the expertise of two seconded officials – an experienced lawyer from the Registry of the European Court of Human Rights and an experienced national civil servant from the French National Assembly.
3. The Assembly secretariat is organised around two directorates, namely “Democracy and Rule of Law” (Directorate 1) and “Inclusive and Sustainable Societies and Co-operation” (Directorate 2), the Table Office, Information Management and Events Department, and the Administration and Central Services Department.
4. With a view to fully permitting a robust parliamentary dimension to the implementation of the Reykjavik Declaration, the readjusted political priorities, as laid down in the present resolution, call for a reinforcement of the secretariat. Thanks to efficiency gains, the secretariat of the Assembly intends to redeploy resources allocated to the organisation of part-sessions to priority sectors, namely communication, visibility and co-operation. The new activities relating to the implementation of the Pact for Democracy, the building up the Assembly’s interaction with youth in all its work (including through the implementation of the PACE-Youth Participation Mechanism), the setting up of the parliamentary network supporting the implementation of judgments of the European Court of Human Rights, the strengthening of the Assembly’s integrity framework, as well as the launching of new co-operation activities which require specific expertise (use of artificial intelligence in parliamentary practices) will require additional resources, namely two administrator (A grade) jobs and two support staff (B grade, including one junior professional officer).

2. Operational expenditure

5. Thanks to the modernisation efforts, the Assembly secretariat has managed to considerably reduce the operational expenditure relating to the organisation of part-sessions. Efficiency gains generated have been reinvested into the upgrading of IT tools.
6. For the 2026-2027 period, in line with its readjusted political priorities and to respond to the needs in a adaptable and flexible manner, the Assembly intends to sunset or pause, where appropriate, certain sub-committees; different structures and working methods, such as limited period networks or follow-up to reports, will be further developed using the operational savings thus generated.
7. Moreover, thanks to efficiency gains generated by the development of IT tools and the integration of artificial intelligence-powered technology, new co-operation activities will be launched to allow parliaments to study and share good practices in the use of artificial intelligence in parliamentary activities.
8. Thanks to inflation adjustment of the envelope for operational activities, the secretariat of the Assembly has managed to cope with the increase in travel and subsistence expenses of parliamentarians and staff accompanying them.
9. To further optimise costs, the secretariat is considering, whenever possible, auditioning experts online. This allows the Assembly to benefit from top level international expertise, while at the same time improving cost-effectiveness and reducing the carbon impact, especially when experts would have had to travel long distance to attend an Assembly meeting in person.
10. During 2024-2025, the Assembly continued to develop its targeted co-operation activities. In particular, as a result of the reorganisation of the Directorate General of Democracy of the Secretariat General of the Council of Europe, the secretariat of the Assembly integrated, as from 1 January 2024, the co-operation activities in the field of democratic elections. Thus, at the moment of the adoption of the present resolution, the Assembly is implementing five projects in the field of elections, in particular, in Albania, Bosnia and Herzegovina, Georgia, the Republic of Moldova and Ukraine, worth more than €4 million and funded by extra-budgetary resources. During 2026-2027, these activities will continue and expand further in line with new

requests from member States; they also form part of the Council of Europe's Electoral Cycle which aims to ensure a coherent and "end to end" co-ordination of all election-related activities throughout the Secretariat of the Organisation.

11. Ongoing parliamentary co-operation projects will be further strengthened, notably to support the Verkhovna Rada of Ukraine, address the situation of children of Ukraine, support the activities of parliamentary platforms and networks (rights of LGBTI people, women free from violence, No Hate parliamentary Alliance, the network for a healthy environment), as well as to engage with and support dialogue with the democratic forces and civil society from Belarus and from the Russian Federation, sharing the Council of Europe values and principles. New initiatives will be launched in the field of artificial intelligence and sport. Whenever possible, country-specific parliamentary co-operation activities will be integrated into action plans.

12. The Assembly will continue to observe parliamentary and presidential elections in countries under its monitoring procedure or engaged in post-monitoring dialogue, in close collaboration with the European Commission for Democracy through Law (Venice Commission) and the Assembly's international partners (the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), the OSCE Parliamentary Assembly, the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO) and the European Parliament within the framework of international election observation missions.

13. The Assembly secretariat will continue to support its political groups through a budgetary allowance, calculated on a lump-sum basis for each group which covers administrative assistance, plus an additional *per capita* allowance which varies depending on the number of members of each group. Following on from the harmonisation of the legal status and terms of employment of group secretaries and assistants to better align them with the new Council of Europe Staff Regulations, the budgetary envelope dedicated to the political group functioning should be regularly adjusted to inflation, in line with existing rules and methodology.