



EUROPEAN UNION

Proposed outline and modalities for the further activities of the open-ended ad hoc intergovernmental committee established pursuant to UN General Assembly Resolution 74/247

Comments of the European Union and its Member States on the draft background paper prepared by the Secretariat

03 August 2020

The European Union (EU) and its Member States would like to thank the United Nations Office on Drugs and Crime (UNODC) for its efforts in preparing the organizational session of the Ad Hoc Committee established pursuant to General Assembly resolution 74/247, and in particular for the preparation of the draft background paper that the Secretariat presented on 5 June 2020.

To provide an opportunity and ample space for Member States to put forward their views regarding the outline and modalities for the further activities of the Ad Hoc Committee, the Secretariat invited Member States to submit comments by Monday, 3 August 2020.

In response to that invitation and to facilitate the work of the Secretariat towards reaching wide support among UN Member States with regard to the organisational session of the Ad Hoc Committee, the EU and its Member States wish to put forward some suggestions and comments pertaining to the draft background paper.

In this context, the EU and its Member States would like to refer to the general comments already shared with the Secretariat and published on the dedicated website. They reiterate the importance attached to the fact that the process in relation to the implementation of operative paragraph 3 of General Assembly resolution 74/247 should be inclusive, transparent, based on the wide expertise that is already available and committed to legal consistency.

Against that background, the EU and its Member States:

- support the need to agree clear rules of procedure enabling the participation in and contribution to the work of the Ad Hoc Committee of intergovernmental organizations, non-governmental organizations, civil society and the private sector, as such rules are necessary to ensure the inclusiveness and transparency of the process. The EU and its Member States therefore support the reference to the practice established by the Ad Hoc Committees on the Elaboration of a Convention against Transnational Organized Crime and the Ad Hoc Committee for the Negotiation of a Convention against Corruption as the minimum standard that should be ensured also in the work of the Ad Hoc Committee established pursuant to General Assembly resolution 74/247;

- stress that participation and adequate representation of all UN Members is fundamental. Given the division of competences within the European Union and considering that **some** matters under the scope of UN General Assembly Resolution 74/247 are likely to fall under the exclusive competence of the European Union, it is important to ensure full participation of the European Union in the future work of the Ad Hoc Committee; the EU and its Member States therefore call for references to 'Member States' throughout the draft background paper to be understood as including also 'members of specialised agencies' and in any case as not precluding the participation of international organisations in the work of the Ad Hoc Committee, including the EU;

- support the need to establish an indicative multi-year plan for the work of the Ad Hoc Committee; agree that the multi-year plan is structured so that the Ad Hoc Committee can fully take into account the work of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime, as required by Operative Paragraph 2 of General Assembly Resolution 74/247. To ensure that the process is based on the wide expertise that is available in Member States, the EU and its Member States agree that the process is to be located in Vienna and that negotiations on substance can start only once the Expert Group to Conduct a Comprehensive Study on Cybercrime has held its stocktaking meeting and after giving Member States the time to analyse the final report of the Expert Group;

- call for the decision-making process during the August meeting and the subsequent work of the Ad Hoc Committee to be consensus-based; in this context, the EU and its Member States would like to recall that rule 161 of the General Assembly rules of procedure provides the possibility for the Ad Hoc Committee to decide to adopt modified rules of procedure;

- appreciate the offer of the Secretariat to play a role in drafting balanced and objective materials to facilitate the work of the Ad Hoc Committee. However, the EU and its Member States believe that, once the Bureau of the Ad Hoc Committee is nominated, it will be the role of the Bureau to take responsibility for preparing these and other possible documents for the consideration of the Ad Hoc Committee.

The EU and its Member States thank the Secretariat for its leadership in expediting the necessary planning and organisation of the organisational session of the Ad Hoc Committee.
