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

**Rules Governing the Submission, Processing
and Recording of Claims**

(“Claims Rules”)

The Hague

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TABLE OF CONTENTS

Preamble	2
I. GENERAL PROVISIONS.....	2
Article 1. Use of Terms	2
Article 2. Scope of Application of the Rules	4
Article 3. Mandate of the Register.....	4
Article 4. Amendments and Additional Rules and Regulations.....	4
II. COOPERATION AND OUTREACH	4
Article 5. Cooperation. Relationship with Diia and various Ukrainian registers and databases	4
Article 6. Outreach.....	5
III. SUBMISSION OF CLAIMS	5
Article 7. Timetables for submission of Claims to the Register.....	5
Article 8. Categories of Claims	5
Article 9. Precedence	6
Article 10. Claim Forms and Language.....	6
Article 11. Who May Submit Claims.....	6
Article 12. Fee	6
Article 13. Submission through Diia	7
Article 14. Evidence.....	7
Article 15. Supplementation, Amendment and Withdrawal of Claims	7
Article 16. Communication with Claimants.....	7
IV. TECHNICAL SUBMISSION REQUIREMENTS	8
Article 17. Technical requirements and Screening of Claims	8
V. ELIGIBILITY OF CLAIMS.....	8
Article 18. Eligibility Criteria	8
VI. REVIEW AND PROCESSING OF CLAIMS BY THE SECRETARIAT	8
Article 19. Review of Claims by the Secretariat	8
Article 20. Use of Mass Claims Processing Techniques and Computer Software	9
VII. CONSIDERATION BY THE BOARD AND RECORDING OF CLAIMS	9
Article 21. Consideration by the Board.....	9
VIII. CONFIDENTIALITY	10
Article 22. Confidentiality Regime	10
Article 23. Personal Data	10
Article 24. Reporting.....	11
Article 25. Language of Rules.....	11

Rules Governing the Submission, Processing and Recording of Claims (“Claims Rules”)

Adopted by the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 21 March 2024.

Approved by the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 26 March 2024.

PREAMBLE

Recalling that pursuant to the Resolution of the Committee of Ministers of the Council of Europe CM/Res(2023)3 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine and adopting its Statute, the Register “shall serve as a record, in documentary form, of evidence and claims information on damage, loss or injury caused to all natural and legal persons concerned, as well as the State of Ukraine (including its regional and local authorities, and State-owned or controlled entities), caused on or after 24 February 2022 in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters, by the Russian Federation’s internationally wrongful acts in or against Ukraine.”

Recalling also that the Register’s work is carried out bearing in mind United Nations General Assembly Resolution A/RES/ES-11/5 of 14 November 2022 “Furtherance of remedy and reparation for aggression against Ukraine” recognising that “the Russian Federation must be held to account for any violations of international law in or against Ukraine, including its aggression in violation of the Charter of the United Nations, as well as any violations of international humanitarian law and international human rights law, and that it must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts,” and recognizing “the need for the establishment, in cooperation with Ukraine, of an international mechanism for reparation for damage, loss or injury, and arising from the internationally wrongful acts of the Russian Federation in or against Ukraine,”

The Board adopts the following rules, which are approved by the Conference of Participants on 26 March 2024:

I. GENERAL PROVISIONS

Article 1. Use of Terms

1. The following definitions apply for the purpose of these Rules:
 - (a) “**Board**” means the Board of the Register established under Article 6 of the Statute.
 - (b) “**Claim**” means a request that damage, loss or injury be recorded in the Register.
 - (c) “**Claim Form**” means a form for provision of information and Evidence related to a Claim by a Claimant.

- (d) “**Claimant**” means any natural or legal person or the State of Ukraine that submits a Claim to the Register.
- (e) “**Compensation Mechanism**” means a future international Compensation Mechanism to be established by a separate international instrument in cooperation with Ukraine to evaluate and decide the Claims recorded in the Register as provided in the Statute.
- (f) “**Conference**” means the Conference of Participants of the Register.
- (g) “**Diia**” means the Ukrainian mobile application Diia and its web portal designed for provision of public services in Ukraine, through which Claims are submitted to the Register.
- (h) “**Eligibility Criteria**” means the criteria established pursuant to the Statute, against which Claims will be assessed for inclusion in the Register.
- (i) “**Evidence**” means all materials submitted by a Claimant in support of a Claim regardless of nature and format, including, but not limited to, digital data, documents and media.
- (j) “**Executive Director**” means the Executive Director of the Register or other persons authorised by the Executive Director to perform the functions in his/her absence.
- (k) “**Register**” means the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine established by Resolution CM/Res(2023)3 of 12 May 2023 establishing the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine.
- (l) “**Reparations Claims Management System**” or “**RCMS**” means the digital platform that receives Claims submitted to the Register through Diia and on which information and Evidence pertaining to Claimants and Claims is stored by the Register for the purposes of management and processing of Claims and their recording in the Register, as well as the software for the management and processing of the Claims.
- (m) “**Representative**” means a representative of a Claimant duly appointed in accordance with applicable rules and identified as such in Diia.
- (n) “**Rules**” means the Register’s Rules Governing the Submission, Processing and Recording of Claims.
- (o) “**Secretariat**” means the Secretariat of the Register.
- (p) “**State of Ukraine**” means the State of Ukraine including its regional and local authorities and State-owned or controlled entities.
- (q) “**Statute**” means Statute of the Register adopted on 12 May 2023 by Resolution CM/Res(2023)3.

Article 2. Scope of Application of the Rules

These Rules apply to the submission and processing of all Claims, the determination of eligibility of Claims in accordance with the Eligibility Criteria, as well as the recording of eligible Claims in the Register.

Article 3. Mandate of the Register

1. The Register shall receive and process information on Claims and Evidence; categorise, classify and organise such Claims; assess and determine the eligibility of Claims for inclusion in the Register; and record the eligible Claims in the Register for the purposes of their future examination and adjudication. The Register has no adjudication functions with respect to Claims, including determination of responsibility and allocation of any payments or compensation.
2. The work of the Register, including the RCMS with all data regarding Claims and Evidence recorded therein, is intended to constitute the first component of a future Compensation Mechanism. The exact form of a future Compensation Mechanism is to be determined later but may include a claims commission and compensation fund mandated to examine and adjudicate Claims and allocate or pay compensation for damage, loss or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine.

Article 4. Amendments and Additional Rules and Regulations

These Rules may be amended in accordance with the Statute and the Board's Rules of Procedure and additional rules and regulations may be adopted as necessary to efficiently implement the Register's mandate.

II. COOPERATION AND OUTREACH

Article 5. Cooperation. Relationship with Diia and various Ukrainian registers and databases

1. The Register shall cooperate with relevant national and international partners concerning promotion and co-ordination of gathering of Evidence of the damage, loss or injury caused by the Russian Federation's internationally wrongful acts in or against Ukraine.
2. Without prejudice to Article 14.1 of these Rules, the Register, in cooperation with the Government of Ukraine, international organisations and other entities under Section II, will use its best efforts to provide technical assistance to Claimants by facilitating their access to potentially relevant Evidence, as the case may be, by placing such Evidence at the Claimants' disposal in/through Diia or other available mechanisms.
3. Cooperation with the Government of Ukraine will include, *inter alia*:
 - (a) enabling Claimants to submit their Claims and supporting Evidence to the Register through Diia;
 - (b) providing Claimants with reasonable access to potentially relevant information and Evidence contained in various databases and registers through their connection with Diia or other available mechanisms;

- (c) establishing the benchmark criteria based on legal and technical standards for evaluating whether databases containing pertinent Evidence meet the necessary requirements for reliability, compatibility and integration with Diia and the RCMS, thereby enhancing the accessibility and efficiency of the Evidence gathering process for Claimants; and
 - (d) implementing outreach and assistance to Claimants with respect to submission of Claims.
4. Cooperation with Governments of other States, international organisations, civil society organisations and other relevant entities may include, *inter alia*, sharing of information relevant to the submission and processing of Claims, establishing frameworks to exchange Evidence that may be submitted to the Register and implementation of outreach and assistance programmes for Claimants. Any such sharing of information shall be subject to the provisions of Article 22 and Article 23 of these Rules.

Article 6. Outreach

1. The Register will undertake outreach activities to potential Claimants, which will include but are not limited to the following:
- (a) organising and implementing awareness and information campaigns for potential Claimants;
 - (b) coordinating with the Government of Ukraine, regional and local authorities in Ukraine, international organisations, civil society organisations and other entities;
 - (c) providing guidance to individuals and entities who will provide technical assistance in outreach; and
 - (d) establishing cooperation with international and local partners, as may be needed, with the view to receiving their assistance in the implementation of the outreach activities.
2. This provision is without prejudice to Article 16.

III. SUBMISSION OF CLAIMS

Article 7. Timetables for submission of Claims to the Register

1. The Board shall determine the date on which the Register opens for submission of each Claims category or, where necessary, sub-category.
2. The Board may determine the date from which the Register shall be closed for submission of Claims.

Article 8. Categories of Claims

1. Claims shall be submitted in specific categories as determined by the relevant rules.
2. Rules for submission of Claims in each specific category and the related evidentiary requirements shall be approved separately for each Claims category.

3. A Claimant may submit Claims in different categories. A Claimant must specify the category in which a Claim is submitted. A Claimant may submit more than one Claim in the same category unless the category's rules stipulate otherwise.

Article 9. Precedence

Should there be any inconsistencies between these Rules and the rules governing any specific category of Claims, the rules governing the specific category of Claims shall take precedence.

Article 10. Claim Forms and Language

1. Claims must be submitted using Claim Forms approved for each category. The Claim Forms are available in digital form in Diia.
2. The Claim Forms contain a description of the information and Evidence Claimants are required to submit, as well as additional information and documents that may be submitted to support the Claim.
3. Claims may be submitted in Ukrainian or English.
4. Given the technical software requirements for operating the RCMS for the anticipated large number of Claims, English shall be the working language for the processing and recording of Claims by the Register.
5. Where Claim Forms are not submitted in English, a non-certified translation to English will be made by the Register for Secretariat and Board working purposes.
6. This provision is without prejudice to the principle of bilingualism of the Council of Europe. All decisions and reporting documents of general nature shall be issued in both English and French as the official languages of the Council of Europe, as well as in Ukrainian.

Article 11. Who May Submit Claims

1. Natural and legal persons, as well as the State of Ukraine may submit Claims to the Register.
2. Natural persons may submit Claims themselves or through a Representative. Legal persons, as well as the State of Ukraine shall submit their Claims through Representatives only. Claims are submitted by Representatives on behalf of and in the name of Claimants. A Claimant's Representative must be duly appointed and/or identified in Diia in accordance with rules on the use of Representatives that shall be adopted separately.
3. Unless expressly allowed by the rules in a specific category, if multiple Claimants wish to pursue a Claim together, they must submit separate Claims for their respective parts or shares of such a Claim and, where possible, identify all related Claimants.

Article 12. Fee

There shall be no fee for submission, processing or recording of Claims.

Article 13. Submission through Diia

1. All Claims must be submitted by way of Claim Forms in digital format through Diia. No other formats of submission are allowed and Claims in other formats will not be considered.
2. A Claim will be deemed complete and submitted when a Claimant completes all the information and documentation required in the Claim Form in Diia, verifies all such information and documentation and electronically signs the Claim Form in Diia.
3. Upon completion of submission, the Claimant will receive a confirmation of submission through Diia, which contains a unique Claimant number and Claim number and an automatically generated list of information and Evidence submitted with the Claim. This serves as confirmation of the completion of the Claim and date of its submission to the Register.
4. Upon the submission of a Claim, the Claimant will be able to download and save the complete copy of the Claim, including all information and all Evidence submitted.

Article 14. Evidence

1. Claimants shall be responsible for submitting information and Evidence supporting the eligibility of their Claims.
2. All Evidence must be submitted in digital format through Diia. Evidence in any other format will not be considered.

Article 15. Supplementation, Amendment and Withdrawal of Claims

1. A Claim may be supplemented or amended with additional information and Evidence by the Claimant through Diia at any time before the Claim is forwarded to the Board by the Executive Director.
2. A supplementation or an amendment of the Claim may require the Claim to be re-processed and further reviewed by the Secretariat.
3. A Claim submitted to the Register may be withdrawn by the Claimant through Diia at any time prior to the Board making a final decision with respect to a Claim under Article 21.7(a) or Article 21.7(b). Withdrawal of a Claim is without prejudice to its possible future resubmission to the Register. If a Claim is withdrawn after the Board's decision to approve such Claim to be recorded in the Register, such a Claim will remain recorded in the Register, but will be marked as "Withdrawn".
4. After a Claim is recorded in the Register, a Claimant may submit additional supporting information and Evidence through Diia. Such information and Evidence may be included with the Claim recorded in the Register with a notation that it has not been reviewed.

Article 16. Communication with Claimants

The Register shall communicate with Claimants about the status of their Claims exclusively through Diia. No other form of communication will be provided by the Register.

IV. TECHNICAL SUBMISSION REQUIREMENTS

Article 17. Technical requirements and Screening of Claims

1. Upon submission of a Claim, the Secretariat will screen all files submitted with it for accessibility, readability and security. If any files submitted with a Claim are found to be inaccessible, unreadable or are identified as being infected with computer viruses, malware or any other form of malicious software, the Claim shall be deemed as not meeting the technical requirements.
2. For the purposes of this Article:
 - (a) “inaccessible file” means a file that cannot be opened due to issues such as incorrect file format, corruption or any other technical impediment;
 - (b) “unreadable file” means a file that, although accessible, cannot be effectively interpreted or processed due to issues like encoding errors, data corruption or incomplete file content;
 - (c) “infected file” means a file that has been identified to contain computer viruses, malware or any other harmful software that can potentially compromise the integrity and security of the Register’s systems including the RCMS.
3. If a Claim does not meet the technical requirements under this Article, the Claimant shall be notified and may rectify the deficiencies. The Secretariat will not review the Claim unless and until it is rectified to meet the technical requirements.

V. ELIGIBILITY OF CLAIMS

Article 18. Eligibility Criteria

1. A Claim shall be eligible for recording in the Register if it meets the following criteria:
 - (a) the Claim is submitted by or on behalf of an eligible Claimant in accordance with Article 11;
 - (b) the Claim is for damage, loss or injury that occurred on or after 24 February 2022;
 - (c) the Claim is for damage, loss or injury that occurred in the territory of Ukraine within its internationally recognised borders, extending to its territorial waters; and
 - (d) the Claim is for damage, loss or injury that was caused by the Russian Federation’s internationally wrongful acts in or against Ukraine.
2. A Claim shall not be recorded in the Register if it is manifestly unfounded.

VI. REVIEW AND PROCESSING OF CLAIMS BY THE SECRETARIAT

Article 19. Review of Claims by the Secretariat

1. The Secretariat will review Claims received against the Eligibility Criteria and prepare recommendations to the Board concerning the recording of Claims in the Register.

2. In order to ensure consistency in the treatment of similar Claims and facilitate the work of the Register considering the likely large number of Claims and other factors, the Secretariat will proceed to classify and group Claims according to, *inter alia*, the type and size of the Claims and the similarity of legal and factual issues.
3. In considering the Claims, the Secretariat may take into account information provided by the Government of Ukraine, Governments of other States, international organisations or other entities as appropriate, such as statistics or summaries of legal and factual issues relevant for consideration of Claims.
4. The Secretariat may request rectifications, clarifications and/or additional information and/or Evidence from Claimants.

Article 20. Use of Mass Claims Processing Techniques and Computer Software

1. Depending on the nature, number and types of Claims and with Board approval, the Secretariat may use mass claims processing techniques and tools such as computer-assisted data processing, data analysis and sampling, including with the use of artificial intelligence, as appropriate to assist in the review of Claims.
2. The Secretariat may also review Claims individually, as circumstances warrant.
3. For processing and review of large and complex Claims, the Secretariat may use different procedures in accordance with the rules for such Claims that will be adopted separately.
4. Claims processed with the use of artificial intelligence shall be additionally checked by the Secretariat individually or in sampling groups, as circumstances warrant.

VII. CONSIDERATION BY THE BOARD AND RECORDING OF CLAIMS

Article 21. Consideration by the Board

1. The Board has the ultimate authority in determining the eligibility of Claims to be recorded in the Register.
2. The Executive Director shall forward Claims to the Board and provide recommendations regarding whether or not to record the Claims in the Register.
3. In its decision-making, the Board may take into account judgments or awards by national or international courts, tribunals and other adjudicative bodies taking into account the Register's mandate, but shall not be bound by such judgments or awards.
4. The Board will consider Claims and make decisions as to the eligibility of Claims for recording in the Register, as a rule during in-person meetings, to be held at least quarterly.
5. Between in-person meetings, the Board may meet virtually or in hybrid format or, if necessary, exercise its decision-making through written procedure.
6. The Board may consider and make decisions on Claims individually or as groups of Claims. If Claims are considered as a group, the Board may verify how the individual Claims in that group were processed by way of sampling or by another appropriate method in accordance with Article 20.

7. Upon its consideration of Claim(s), the Board may decide:
 - (a) to record Claim(s) in the Register;
 - (b) not to record Claim(s) in the Register, indicating which Eligibility Criteria have not been satisfied and whether the rejection is “with prejudice” (preventing resubmission of the same Claim) or “without prejudice” (allowing resubmission with additional information or Evidence or with deficiencies rectified); or
 - (c) to return Claim(s) for further processing by the Secretariat with instructions to the Secretariat that may include requesting rectifications, clarifications and/or additional information and/or Evidence from Claimants.
8. Decisions on Claims in accordance with Article 21.7 will be taken by the Board in accordance with its Rules of Procedure on the basis of information and Evidence submitted by the Claimant, taking into account the outcome of processing and review of Claims by the Secretariat and other information received by the Register in accordance with Article 19.3 and recommendation of the Executive Director. These decisions shall be final.
9. The Secretariat shall notify the Claimant of the Board’s decision through Diia.

VIII. CONFIDENTIALITY

Article 22. Confidentiality Regime

1. In accordance with the Register’s Rules on Personal Data Protection and Privacy, all information and Evidence on Claims received by the Register shall be treated as confidential.
2. Meetings of the Board shall be held in private, unless decided otherwise by the Board in accordance with its Rules of Procedure.
3. Board Members, members of the Secretariat and persons who are assisting the Board or the Secretariat are required, at all times, to maintain the confidentiality of the work of the Register, the RCMS and all data contained therein.
4. Board Members, members of the Secretariat and persons who are assisting the Board or the Secretariat shall not disclose, even after the conclusion of their functions, any Claims information or other information concerning the work of the Register which is not in the public domain.

Article 23. Personal Data

By submitting a Claim, the Claimant consents to the transfer of personal data to the Register and authorises the Register to store, process and transfer such personal data to the Compensation Mechanism in accordance with the Register’s Rules on Personal Data Protection and Privacy.

Article 24. Reporting

1. In its reports and communications to the Conference, the Board shall not include any information related to the identity of Claimants or specifics of the Claims.
2. The Executive Director may prepare reports of general nature, including with anonymised statistical data, to inform the public and other stakeholders of the work of the Register, bearing in mind the confidentiality requirements under these Rules.

Article 25. Language of Rules

These Rules, as well as any other rules and regulations adopted by the Register with respect to the submission, processing and recording of Claims, shall be produced in the English, French and Ukrainian languages. In case of any discrepancy, the English version shall prevail.

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