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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**COMMITTEE OF EXPERTS**  
**ON THE OPERATION OF EUROPEAN CONVENTIONS**  
**ON CO-OPERATION IN CRIMINAL MATTERS**  
**PC-OC**

**53<sup>rd</sup> meeting**  
**Strasbourg, 21-23 November 2007**  
**NBGEN, Room G 02**

**List of adopted decisions**

At its 53<sup>rd</sup> meeting, chaired by Ms Barbara Goeth-Flemmich, the PC-OC took the following decisions:

**1. Improving the operation of the existing conventions on international co-operation in criminal matters**

1) Preparation of normative texts on the following subjects concerning the European Convention on Extradition (CETS No.024), as approved by the CDPC at its last plenary meeting:

**Preliminary draft text relating to simplified extradition:** The PC-OC had an exchange of views on this item on the basis of the preliminary draft text concerning simplified extradition prepared by Mr Per Hedvall. While agreeing on a number of amendments to the draft text, it observed that there remained certain issues which required further attention of the Committee, in particular concerning conditions for surrender, information to be provided in connection with simplified extradition, and more specifically on time limits. It instructed the Secretariat to send an amended version of the text to all delegations for comments and to inform the CDPC Bureau (16-17 January 2008) about the preliminary discussions on the draft text related to simplified extradition. The PC-OC also asked the CDPC Bureau to examine the question of whether time limit provisions can be included in a draft instrument on simplified extradition. The Committee instructed its restricted Group of experts to finalise the draft text in the light of these comments at its coming meeting, with a view to its submission to the next plenary of the PC-OC.

**Compensation of persons:** The PC-OC examined the draft questionnaire prepared by a member of the PC-OC on the compensation of persons in the context of extradition, and approved it with amendments. It instructed the Secretariat to send the questionnaire to all delegations and requested the latter to submit their replies by 1 March 2008. The PC-OC instructed the Secretariat to inform the restricted Group of experts about the replies received.

**The speciality rule:** The PC-OC agreed upon a proposal of one of its members to prepare a short questionnaire on the speciality rule and its effects on the criminal proceedings of requesting States. It instructed the Secretariat to send out this short questionnaire to all delegations for comments and approval and then to send the final text to all national delegations. It fixed the deadline for replies as 1 March 2008. The Committee instructed its restricted Group of experts to examine the replies at its next meeting.

**Channels and means of communication:** The PC-OC decided to continue discussions on this item at the next meeting of the restricted Group of experts.

**Lapse of time:** The PC-OC instructed the Secretariat to conduct research into the existing instruments dealing with this issue and present a document to its restricted Group of experts at its next meeting.

**Time limits and use of languages:** The PC-OC decided to postpone discussion on these two items until after the examination of the other issues concerning extradition.

## 2) Practical measures:

**Network of national single points of contact on co-operation in the criminal field:** The PC-OC took note of the information provided by the Secretariat concerning the need to update the contact details of national contact points and reiterated its request for States to reduce the number of national contact points. It instructed the Secretariat to send to all delegations the currently available contact information, with a view to allowing the delegations to update this information, if necessary. The delegations were requested to send the updated information concerning national contact points to the Secretariat by 1 February 2008, at the latest. The PC-OC also instructed the Secretariat to explore means of obtaining such contact information from non-member States of the Council of Europe which are Contracting Parties to the relevant conventions.

**Database on information on national procedures on judicial co-operation in the criminal field:** The PC-OC approved a public database template containing information on national procedures on judicial co-operation in the field of extradition, mutual legal assistance and transfer of sentenced persons, as presented by the Secretariat. It instructed the Secretariat to send out as soon as possible the relevant forms to be filled out and requested national delegations to send to the Secretariat the completed forms to be placed on the public database. The deadlines for the submission of the forms were agreed as follows:

- 1 February 2008 as regards extradition;
- 1 April 2008 as regards mutual legal assistance;
- 1 June 2008 as regards the transfer of sentenced persons.

In order to ensure that the information in the database remains up-to-date, delegations agreed to regularly inform the Secretariat about any changes to their national procedures and/or legislation.

The PC-OC also instructed the Secretariat to prepare a newsletter containing information on current priorities and activities of the PC-OC and place it on the website.

## 2. Transfer of Sentenced persons

**Examination of the proposal for a Second Additional Protocol to the European Convention on the Transfer of Sentenced Persons:** The PC-OC continued its examination of the proposal of the Minister of Justice of the Hellenic Republic, in the light of the States' replies to a questionnaire concerning this issue. Having identified a number of key issues related to the proposal which require further consideration (such as the question of the consent of the sentenced person, the main objectives of the new proposal, relevant cases pending before the European Court of Human Rights), the PC-OC decided to pursue the examination of this item. Taking into account that questions relating to extradition have a higher priority in the restricted Group of experts, the PC-OC agreed that this item should be included on the agenda of one of its coming plenary meetings.

### **3. Questions on the application of the Conventions**

**Request from the Cybercrime Convention Committee (T-CY) for practical guidance concerning best practices for mutual legal assistance in computer related cases, in particular in urgent cases and questions relating to operational matters:** The PC-OC took note of the information provided by Mr Branislav Boháčik, representative of the CDPC to the T-CY. The PC-OC instructed the Secretariat, in co-operation with Mr Boháčik, to prepare a document containing a description of the requested information accompanied by a few specific practical questions. The Secretariat was instructed to send this document to all national delegations, including delegations of States which are not yet party to the Cybercrime Convention. The PC-OC requested all delegations to submit their replies to these questions by 1 April 2008 at the latest.

### **4. Election of the Chair and the Vice-Chair of the Committee**

The PC-OC re-elected Ms Barbara Goeth-Flemmich (Austria) as Chair, and Ms Joana Gomes Ferreira (Portugal) as Vice-Chair of the Committee for a period of one year.

### **5. Dates of the next meetings**

The PC-OC decided to organise two meetings of its restricted Group of experts and two plenary meetings in 2008. The provisional dates for the next meetings were fixed as follows:

- 17-20 March 2008                      Meeting of the restricted Group of experts;
- 28-30 April 2008                      54<sup>th</sup> meeting of the PC-OC.

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