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PC-OC (2011) 05

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

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

TERMS OF REFERENCE OF THE PC-OC FOR 2011

PC-OC website: www.coe.int/tcj

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| 1. Committee Name | Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) |
| 2. Committee Type | Committee of Experts Res(2005)47 |
| 3. Source of ToR | European Committee on Crime Problems |
| 4. Terms of Reference | |

Having regard to:

- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
- the Declaration and the Action Plan adopted at the Third Summit of the Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular chapters I (Promoting common fundamental values: Human Rights, rule of law and democracy) and II (Strengthening the security of European citizens);
- the Conclusions of the High level Conference of the Ministries of Justice and of the Interior (Moscow, 9-10 November 2006);
- Resolution No. 2 on mutual assistance in criminal matters, adopted by the 29th Council of Europe Conference of the Ministers of Justice (Tromsø, 18-19 June 2009).

Under the authority of the European Committee of Crime Problems (CDPC), and in relation with the implementation of the programme Development of Common Standards and Policies (Rule of Law/ Strengthening the Rule of Law and Developing Common Standards) of the Council of Europe Programme and Budget 2011, the Committee is instructed to:

- i. monitor the operation of the conventions on international co-operation in criminal matters with a view to facilitating their practical implementation; (1)
- ii. discuss practical difficulties encountered by states Parties to the European conventions on international co-operation in criminal matters and express non-binding opinions concerning the interpretation of the provisions of these Conventions;
- iii. consider various steps and initiatives to improve the efficiency of international co-operation in criminal matters. This would be carried out in particular through various measures to improve practical co-operation and, in conformity with instructions given by the CDPC (2), through the development of normative texts;
- iv. follow developments in other international frameworks (e.g. United Nations, European Union) in the fields covered by these conventions and, where appropriate, propose measures likely to ensure their conformity with such developments;
- v. follow the application of the European Convention on Human Rights with regard to international co-operation in criminal matters.

5. Composition of the Committee

A. Members

Governments of member states are entitled to appoint representatives in the field of criminal law and with the following qualifications: experience and/or expertise in the field of international co-operation in criminal matters.

The Council of Europe budget 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).

B. Participants

The following committees may each send a representative to meetings of the Committee, without the right to vote and at the charge of the corresponding Council of Europe budget sub-heads:

- the Steering Committee for Human Rights (CDDH);
- the Consultative Council of European Prosecutors (CCPE);
- the European Commission for the Efficiency of Justice (CEPEJ).

C. Other Participants

- i. The European Union may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.
- ii. The states with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.
- iii. The following intergovernmental organisations may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses:
 - United Nations Office for Drugs and Crime (UNODC);
 - International Criminal Police Organisation (INTERPOL);
 - United Nations Interregional Crime and Justice Research Institute (UNICRI);
 - Office of the United Nations High Commissioner for Human Rights (OHCHR);
 - International Criminal Court (ICC);
 - International Criminal Tribunal for the former Yugoslavia (ICTY).

D. Observers

The following non-member state may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses:

- Israel.

6. Working Structures and Methods

The Committee may, within its available budgetary resources, have recourse to consultants or scientific experts. It can organise hearings or exchanges of views with external experts/personalities.

The Bureau of the Committee is composed of the Chair and the Vice-Chair. The Chair and the Vice Chair are elected for a term of one year. The terms of the Chair and of the Vice-Chair are renewable once.

In order to expedite the progress of its work, the Committee may entrust a limited number of Committee members (maximum nine) with a specific task. (3)

7. Duration

These terms of reference will expire on 31/12/2011.

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- (1) These Conventions include ETS No. 24 (extradition, and Protocols ETS Nos 86 and 98), 30 (mutual legal assistance and Protocols ETS Nos 99 and 182), 51 (supervision of sentence), 52 (road traffic offences), 70 (validity of criminal judgments), 73 (transfer of criminal proceedings), 88 (deprivation of right to drive), 97 (information on foreign law), 101 (possession of firearms), 112 (transfer of sentenced persons and its Protocol ETS No. 167), 116 (compensation of crime victims), 156 (illicit traffic by sea).
- (2) On the basis of the elements presented, notably, in the following documents: Proposals of the PC-OC concerning normative and practical measures to improve the operation of relevant conventions (PC-OC (2008) 05 and 06), approved by the CDPC at its 56th plenary session (CDPC (2007) 23).
- (3) Article 14b of the Resolution Res(2005)47.

Decision References

23/11/2010 [CM/Del/Dec\(2010\)1099/11.1](#), Item 11.1 Part 1 paragraph 14 -- [GR-PBA\(2010\)13final](#), Pillar Rule of Law page 32 valid until 31/12/2011