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Strasbourg, 7 October 2013

[PC-OC/PC-OC Mod/2013/Docs PC-OC Mod 2013/ PC-OC Mod (2013) 09]

PC-OC Mod (2013) 09

English only

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

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

Liability of legal persons and mutual legal assistance

Proposals by Mr. Vladimir Zimin (Russian Federation)

Proposals for discussion on meetings of PC-OC about necessity of adding to the European Convention on Mutual Legal Assistance in Criminal Matters of 1959 of provisions concerning cooperation in matters related to liability of legal persons

At the moment the Convention of 1959 does not provide for possibility of cooperation of member-states of the Council of Europe on matters, connected with bringing to liability of legal persons.

Number of international treaties especially the United Nations Convention against Transnational Organized Crime of 2000, the United Nations Convention against Corruption of 2003, the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health of 2011 contains provisions according to which depending on legal principles and national systems of states liability of legal persons may be criminal, administrative or civil.

Convention of 1959 concerns rendering of legal assistance in criminal matter however it is not understandable whether this assistance covers cooperation with purpose of bringing legal persons to liability.

In this connection Convention of 1959 might be added with the following provision: "The contracting parties render to each other mutual legal assistance in proceedings and investigation of administrative matters in respect of legal persons with purpose of bringing them to liability for committing of offences including those connected with criminal liability of individuals.

The contracting parties render to each other assistance in Identifying, Freezing, Arrest, Seizure and Forfeiture of income received by criminal means and instrumentalities of committing of crime including in questions of forfeiture of property not connected to criminal conviction".