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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

PROVISIONAL DRAFT TERMS OF REFERENCE

1 January 2012 - 31 December 2013

PROVISIONAL DRAFT TERMS OF REFERENCE**Committee**

Name of Committee: **Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)**

Terms of Reference valid from/ until: 1 January 2012 until 31 December 2013

Main tasks

- i. Monitor the operation of the conventions on international co-operation in criminal matters¹ with a view to facilitating their practical implementation;
- 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 CDPC², 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.
- vi....

Activities to be supervised (please indicate link with priorities 2012-2013)

(Priority Rule of Law) Development of practical tools, including explanatory notes, guides on national procedures, IT tools, databases and networks of contact points, to assist practitioners in applying the conventions on international co-operation in criminal matters and in particular concerning :

- the European Convention on Extradition and its Protocols
- the European Convention on Mutual Assistance in Criminal Matters and its Protocols
- the European Convention on the Transfer of Proceedings in Criminal Matters

¹ These Conventions include ETS No. 24 (extradition, and Protocols ETS Nos 86 and 98), 30 (mutual assistance in criminal matters 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)

- the Convention on the Transfer of Sentenced Persons and its Protocol;

(*Priority Rule of Law*) Proposals of solutions to concrete problems experienced by Parties to the conventions on international co-operation in criminal matters and non-binding opinions on their interpretation;

(*Priority Rule of Law*) Development of updates and amendments to the conventions or of related non binding legal instruments under the authority of the European Committee of Crime Problems (CDPC) and in particular as regards:

- the European Convention on the Transfer of Proceedings in Criminal Matters;
- the Convention on the Transfer of Sentenced Persons
- the European Convention on Mutual Assistance in Criminal Matters;
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Expected results

Expected results 2012 and 2013

The implementation by practitioners of the conventions on international co-operation in criminal matters is facilitated and threats to the Rule of Law are diminished;

Concrete problems experienced by Parties to the conventions are identified at an early stage, solutions are proposed, procedures are accelerated and conflicts are avoided;

International co-operation in criminal matters is facilitated. Relevant conventions and non binding legal instruments are improved, adapted to a changing environment and kept in pace with normative developments in the United Nations and the European Union. Rule of Law principles and respect for Human rights are reinforced in Europe and in non-European Parties to the conventions.

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Composition

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.

Bureau composition and number of meetings (if applicable)

The Bureau is composed by the Chair and its vice-Chair. The terms of the Chair and of the Vice-Chair are renewable once.

Working 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.

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)

Proposed number and length of meetings in 2012 and in 2013

2 plenary meetings/3 days per year
2 drafting meetings for 9 members/3 days per year

Please indicate, which working methods it is proposed to use besides and between presencial meetings

The PC-OC disposes of a collaborative space and a discussion forum allowing members of the PC-OC to comment on draft documents, exchange information and participate in discussions on issues of common interest.