

Concept paper
on
the criteria and procedure to be followed as regards the accession of non-
member states to Council of Europe conventions in the criminal law field

1. On 13 October 2010 The Committee of Ministers (the Deputies) at its 1095th meeting, invited the CDPC to provide an opinion to the Committee of Ministers on the criteria and procedure to be followed as regards the accession of non-member states to Council of Europe conventions in the criminal law field, in order to contribute to the extension of these conventions beyond Europe.
2. Combating serious and organised crime is increasingly a global challenge involving not only states of the same region as partners. Thus, the question of how to open up Council of Europe conventions in the criminal law field in order to promote adherence to these international legal instruments beyond Europe itself needs to be addressed.
3. Currently a number of non-member states have acceded to the various existing criminal law conventions, and the trend is that new instruments will, in principle, be open for all interested states around the world to sign and ratify on the same conditions as member states, as is the case for the recent Medicrime Convention.
4. Experience has shown that some states may be reluctant to undergo a review by a regional body, of which they are not members, and which they fear will decide on their request for accession on political rather than technical terms.
5. The main purpose of the aforesaid invitation from the Committee of Ministers to the CDPC is thus to create more certainty as to the criteria applied in the review of requests for accession.
6. It should be noted that the advice provided by the CDPC to the Committee of Ministers concerning the accession of a non-member state should be of a purely technical nature (mainly related to ability of the requesting state to apply, and cooperate under, the instrument in question), whereas the political assessment of the requesting state will remain the prerogative of the Committee of Ministers.
7. The Committee of Ministers has also requested the CDPC to provide it with an opinion on the procedure. Under the current system, the Committee of Ministers takes the final decision on the invitation for a

non-member state to accede to a Council of Europe instrument after hearing the Parties to the instrument, including non-member states.

8. As this procedure is laid down in the instruments themselves, it is not feasible to amend it, but the CDPC could examine if and how the procedure may be sped up or otherwise facilitated.
9. To sum up: In replying to the invitation of the Committee of Ministers, the CDPC could, *inter alia*, address the following issues:
 - Which regions/states outside Europe do the Council of Europe member states have a particular strategic interest in co-operating with in the field of criminal law?
 - How could the Council of Europe make it more attractive for non-member states to accede to criminal law instruments?
 - What should be the technical minimum requirements for a non-member state to accede to a Council of Europe criminal law instrument?
 - How can the CDPC assist the Committee of Ministers in reviewing a request for accession to a Council of Europe criminal law instrument?
 - Could the current procedure for inviting non-member states to accede to Council of Europe instruments be improved?
