

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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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)

Draft questionnaire

**on the application of the Second Additional Protocol to the European Convention on
Mutual Assistance in Criminal Matters (ETS No. 182)**

If your country is not a Party to this Protocol

1. If your country is not a Party to ETS No. 182, is its ratification being considered? Please explain.
2. Could you please share your experiences regarding the application of the issues covered by Articles 16 to 20 of ETS N° 182 on the basis of other bilateral or multilateral instruments or treaties?

If your country is a Party to this Protocol

3. What has been your experience, as a requesting and requested state, with mutual assistance in proceedings brought by administrative authorities in the scope defined by Article 1 paragraph 3?
4. Did your country experience any benefit from the new channels and methods of communication mentioned under Article 4? Please explain the extent and nature of the benefit.
5. Do you have any experience with requests for assistance including formalities or procedures that are unfamiliar in your jurisdiction, or in that of the requested country (Article 8)? If so, please explain whether the requests were successful or not.
6. What has been your experience in conducting hearings of suspects, accused persons, witnesses and experts by video or telephone conferences (Articles 9 and 10) as a requesting state? and in organising them as a requested state?
7. Did you frequently receive or send spontaneous information on the basis of Article 11? Please explain your experience in this.
8. Has the service by post of procedural documents and judicial decisions, directly addressed to persons living in another State Party (Article 16) become usual practice? Please explain.
9. What has been your experience in the application of special investigative techniques as mentioned under Articles 17, 18, 19 both as a requesting and requested Party? Please describe.
10. Have you ever organised a JIT on the basis of Article 20? If so, please explain your experience.
11. Have you encountered any other legal or practical obstacle in the application of ETS 182? Please explain.

12. If your country, by virtue of Article 33 para 2, has made reservations to Articles 16,17,18,19 or 20, is a (partial or total) withdrawal of these reservations being considered? Please explain.

13. Do you have any other comments or proposals related to ETS No. 182?