

**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**66th Plenary Session**

**Strasbourg, 10 – 13 June 2014**

Council of Europe  
PALAIS (Main Building)  
Room 9

**Annotated Agenda**

**1. Opening of the meeting**

The meeting will be opened at 2 p.m. by Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General of Human Rights and Rule of Law, Council of Europe.

**2. Adoption of the draft agenda**

The Committee is invited to adopt the agenda for its plenary meeting and decide on the order of business.

**3. Future activities and priorities of the CDPC**

**a. Review of Council of Europe legal instruments in criminal matters**

Following its Bureau decision on this item (see document CDPC-BU (2014) 2), the CDPC is invited to:

- examine the document prepared by the Secretariat (see document CDPC 2014 10) containing all relevant information on the conventions within the CDPC direct responsibility (i. e. number of ratifications and signatures, States parties of these conventions, whether or not the subject matter of the convention has recently been dealt by other international instruments, its entry into force);
- to hold a preliminary discussion on how the review of these conventions should be carried out in the future and instruct the Bureau to prepare a document on the implementation/assessment of these conventions for the CDPC at its plenary meeting in December 2014.

The CDPC will have also an exchange of views with the chairpersons of the PC-OC, Mrs Joana Gomes Ferreira, and of the T-CY, Mr Markko Künnapu, on the implementation/assessment of the conventions for which their committees are responsible, in accordance with the decision n° 9 made by the Committee of Ministers on 10 April 2013 (“Review of Council of Europe conventions – Report by the Secretary General”) respectively on Wednesday and Friday.

**b. Drafting a document/report with a view to identifying new forms of behaviour that have emerged in the recent past in connection with the use of modern technologies and that have brought to light possible lacunae in the existing criminal offences/law**

Mr Yves Charpenel, First Prosecutor General to the Cour de Cassation de France, will make a presentation on “The legal and behavioural impact of modern technologies”. The presentation will take place after the opening of the session at 14.00 on Tuesday.

The CDPC should start considering how to implement this task that has been included in the expected results in the CDPC terms of reference for the years 2014-15.

It could instruct the Bureau to draft, together with the Secretariat and with the possible assistance of (a) consultant(s)/expert(s), a document/report highlighting the most significant developments in the field of the (mis)use of modern technologies as emerged over the recent years and the new forms of criminal behaviours in that respect which would need to be considered in substantial/procedural criminal law systems, in particular by identifying possible lacunae in the existing substantial/procedural criminal law.

**4. Follow-up to the 31<sup>st</sup> Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012): “Responses of Justice to urban violence”**

The CDPC is invited to take note of the information provided by the Secretary to the CDPC, Mr Carlo Chiaromonte, on the follow-up to the last Conference of Ministers of Justice and in particular 1) on the international conference that will take place in Lisbon on the subject of “Urban violence” on 23-24 October 2014 (see concept paper: document CDPC (2014) 6) and 2) the developments related to the drafting of a working paper by a consultant (Mrs Josiane Bigot).

The CDPC will have an exchange of views with Mrs Josiane Bigot on Tuesday afternoon on the two working documents that she prepared (“Preliminary report on responses of justice to urban violence involving juveniles” and the questionnaire) and hold a discussion with Mrs Bigot on how her work and the work on the theme of the Lisbon Conference should be continued in the future.

**5. Council for Penological Co-operation (PC-CP) - Exchange of views with the Chair, Mr Mauro Palma**

The CDPC is invited to hold an exchange of views with Mr Mauro Palma on the main outcome of the last PC-CP working group meetings. It should also examine the draft annotated agenda of the next plenary session of the PC-CP (5-7 November 2014) and make any possible comments and/or suggestions it would consider appropriate.

**a. Preparation of the 19<sup>th</sup> Council of Europe Conference of Directors of Prison Administration (CDAP) 17-18 June Helsinki**

The CDPC is invited to consider the existing documents related to the next CDAP, notably the draft programme, the summary of the presentations and the speakers’ CVs, and the information provided by the Secretary to the PC-CP, Mrs Ilina Taneva, and make any comments it considers necessary with regard the organisational and the substantial aspects of the conference.

**b. SPACE**

The CDPC is invited to take note of the presentation made by Prof. Marcelo Aebi on the results of

the 2012 SPACE I survey (prisons) and of the 2012 SPACE II survey (community sanctions and measures).

**6. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing**

**a. Council of Europe Convention against Manipulation of Sports Competitions**

The CDPC is invited to take note of the information on the recent developments related to the negotiation process of a convention against Manipulation of Sports Competitions provided by the Chair of the CDPC, Mr Jesper Hjortenber, and the Executive Secretary of the EPAS, Mr Stanislas Frossard.

The CDPC should examine and endorse the “Opinion of the CDPC on the draft Council of Europe Convention against Manipulation of Sports Competitions” (see document CDPC (2014)5) and instruct the Secretariat to transmit it to the EPAS. As for the procedural aspect related to the drafting of the opinion, the Chair of the CDPC sent an e-mail to all CDPC delegations on 5 May 2014.

**b. Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)**

The CDPC is invited to consider the decision taken by the GRECO concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173) : GRECO “agreed that it was premature to take a firm decision on the matter as the question merits further consideration, notably in light of the outcome of the work underway within the Enlarged Partial Agreement on Sport (EPAS) on a draft Convention against manipulation of sports competitions;” and decide on the follow-up on this matter.

**7. Document/guidelines containing “Model provisions” defining a certain number of rules to be duly considered by the expert committees in their drafting work as the base to be followed during future negotiations of any possible convention in a criminal law matter**

The CDPC is invited to take note of the presentation by Hans-Holger Herrnfeld on the preliminary work carried out so far, examine the document “Model provisions project – Draft outline project” and discuss how to implement this project in the future. It should endorse the Bureau’s proposal to set up a small group of experts (such as a member from PC-OC, chairs of former groups of experts responsible for the drafting of conventions and CoE Secretariat) who could assist Mr Herrnfeld in finalising the work on the model provisions.

**8. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) - Exchange of views with the Chairperson, Mrs Joana Gomes Ferreira**

The CDPC is invited to take note of the list of decisions of the 66th meeting of the PC-OC held on 19-21 May 2014. (see document PC-OC (2014)02) and have an exchange of views with Mrs Joana Gomes Ferreira on subjects of common interest and in particular on the implementation/assessment of the conventions for which the PC-OC is responsible (see item n° 3 a of the present annotated agenda).

Particular attention is drawn to the proposals to improve the functioning of transfer procedures as a follow-up to the special session devoted to the operation of the Convention on the Transfer of Sentenced Persons and its Additional Protocol during the 65th plenary meeting of the PC-OC on 26-28 November 2013. At that occasion all Parties to the Convention had been asked to reply to a questionnaire regarding the implementation of the Convention on the Transfer of Sentenced Persons and its Additional Protocol and to make proposals for its improvement (see the summary of replies reflected in document PC-OC (2013)10ADDrev).

The CDPC is invited to consider giving a mandate to the PC-OC to prepare a draft binding instrument or binding instruments which could address the issues identified by the PC-OC (see

decision n° 5.b of the 66th meeting of the PC-OC).

Attention of the CDPC is furthermore drawn to the preparation, by the PC-OC, in co-operation with other Council of Europe relevant committees or bodies such as MONEYVAL for whom this question is of particular relevance, of a special session on seizure and confiscation of proceeds of crime, including the management of confiscated goods and asset sharing during its upcoming plenary meeting in November. The PC-OC noted that the CDPC would have to decide on a follow up to the White Paper on Transnational Organised Crime in which the issue of seizure and confiscation could play an important role. The PC-OC discussed various topics of interest for this special session, including in particular the non-conviction based confiscation and the burden of proof, the management of frozen or confiscated goods, the recovery and sharing of assets (see decision n° 8.e)

The CDPC is invited to:

- consider the possibility of inserting this special session in the action plan for follow-up to the White Paper on Transnational Organised Crime;
- decide on the subjects that could be covered, taking into account the suggestions by the PC-OC, and on the committees and bodies to be invited for participation in the special session.

Finally, the PC-OC asks the CDPC to note in particular:

- its concern that transfer and extradition procedures are increasingly obstructed by prison overcrowding and deterioration of conditions of detention in some member states (see decision n° 5a);
- the importance of the problems caused by the interaction between extradition and asylum procedures (see decision n° 6b).

#### **9. Activities related to transnational organised crime: “White Paper” - Exchange of views with Dr. Lorena Bachmaier**

The CDPC is invited to have an exchange of views with Ms Lorena Bachmaier Winter, Chair of the former ad-hoc drafting Group on Transnational Organised Crime, after her presentation of the final draft White Paper, revised after the last CDPC plenary meeting. The CDPC should approve the White Paper and endorse the Bureau's proposal that “an accurate “Action Plan” should be created after the plenary meeting of June establishing what action is to be taken in the future. The Action Plan is to be examined by the CDPC at its plenary meeting in December.”

#### **10. Terrorism - Exchange of views with Mr Nicola Piacente, Chair of the CODEXTER**

The CDPC is invited to take note of the information provided by the Secretariat on the future conference on terrorism and organised crime (Malaga, 25-26 September). Any member of the CDPC who would wish to attend the conference is invited to express his/her interest in participating actively in the event.

The CDPC is invited to have an exchange of views with Mr Nicola Piacente, concerning the activities carried out by the CODEXTER, and in particular the ongoing work by the CODEXTER on Special Investigation Techniques. In this regard, the CDPC should consider the document prepared by the CODEXTER (“Preliminary draft discussion paper” – document CODEXTER (2014)1) and examine the relevant decision taken during the 26th meeting of the CODEXTER (6-7 May) : “to propose to the CDPC, MONEYVAL and CDMSI the establishment of a drafting group composed of members of the aforementioned Committees and CODEXTER for the purpose of elaborating a set of draft amendments to Recommendation Rec(2005)10 for examination and finalisation by the Plenaries of the three Committees in view of final adoption by the Committee of Ministers.”. The CDPC is invited to discuss whether it agrees with the CODEXTER proposal to set up a joint drafting group.

**11. Cybercrime - Exchange of views with Mr Markko Künnapu, Chair of the T-CY**

The CDPC is invited to have an exchange of views with Mr Markko Kunnapu on subjects of common interest and in particular on the implementation/assessment of the conventions for which the T-CY is responsible (see item n° 3 a. of the present annotated agenda).

**12. Request for observer status by the Conference of Ministers of Justice of the Iberoamerican countries (COMJIB) to the CDPC**

The CDPC is invited to consider and decide on the request for observer status by the Conference of Ministers of Justice of the Iberoamerican countries (COMJIB).

**13. Information provided by the Secretariat**

The CDPC is invited to take note of the information provided by the Secretariat on sub-items a. to d. below.

**a. Medicrime****b. Trafficking in human organs****c. Dangerous Offenders****d. Information on the latest development in the cooperation****14. Any other business**

The CDPC is invited to examine the recommendation of the Parliamentary Assembly of the Council of Europe on “Improving user protection and security in cyberspace” communicated by the Committee of Ministers to the CDPC for information and possible comments, considers the draft opinion of the CDPC on the recommendation, approve it and instructs the Secretariat to transmit it to the Committee of Ministers.

**15. Dates of the next meetings**

The CDPC is invited to take note of the dates of its next meeting (1-4 December 2014)