



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau
(CDPC-BU)

Strasbourg, 13–14 May 2008

Summary Meeting Report

The following abbreviations are used in referring to the CDPC and its subordinate bodies as well as other Council of Europe Committees

CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
CCJE	CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
CDAP	CONFERENCE OF DIRECTORS OF PRISON ADMINISTRATIONS
CDCJ	EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
CDDH	STEERING COMMITTEE FOR HUMAN RIGHTS
CDEG	STEERING COMMITTEE FOR EQUALITY BETWEEN WOMEN AND MEN
EG-TFV	COUNCIL OF EUROPE TASK FORCE TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE
PACE	PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON CO-OPERATION IN CRIMINAL MATTERS
PC-S-CP	GROUP OF SPECIALISTS ON COUNTERFEIT PHARMACEUTICAL PRODUCTS

EXECUTIVE SUMMARY

The CDPC Bureau invited the CDPC to note that it had, in particular:

Pharmaceutical crime: Committee PC-S-CP (Group of specialists on counterfeit pharmaceutical products)

- take note of the oral information provided by the Chair of the PC-S-CP, Mr Claude Debrulle, on the results of the three meetings of the Group, which took place between November 2007 and March 2008, and congratulate the Group on its work;
- examine the draft final report prepared by the PC-S-CP, proposing major elements for inclusion in a future Council of Europe convention to combat the counterfeiting of medicinal products and medical devices and other related crimes that jeopardize public health, and submit it to the CDPC plenary for approval;
- following a discussion on the future activities to be carried out in this field, examine a draft revised terms of reference of the PC-S-CP, notably entrusting this group with the preparation of a preliminary draft Convention against counterfeiting of medical products and related pharmaceutical crimes;
- submit these revised terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption;
- instruct the Secretariat to prepare also draft terms of reference for a Committee of experts with the full participation of all Council of Europe member States, which should be entrusted with the task of examining the draft Convention prepared by the PC-S-CP and then submitting it to the CDPC plenary in 2009 for approval and transmission to the Committee of Ministers for adoption;
- submit these terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption;
- take note of the fact that the post of Secretary to the PC-S-CP is currently vacant and express its hope that this vacancy will be filled as quickly as possible, considering that a delay in this respect could cause problems regarding the timeline envisaged for future work in this area;

Conferences of the Council of Europe Ministers of Justice

a. Follow-up of the 28th Conference (25-26 October 2007, Lanzarote)

- as regards Resolution No. 1 on access to justice for migrants and asylum seekers adopted by the Ministers of Justice, take note of the fact that, at its last meeting (April 2008), the PC-OC adopted a questionnaire on the relationship between asylum and extradition procedures, to be sent to all PC-OC delegations for replies by 1 September 2008, in accordance with the Bureau's instructions to the PC-OC to take stock of the situation regarding this issue in different member States;
- as regards Resolution No. 2 on child-friendly justice adopted by the Ministers of Justice, take note of the fact that, following the Bureau decision on this point taken at its last meeting in January, the Secretariat had appointed a consultant (Ms Turkovic, former vice-chair of the PC-ES) to prepare a report on criminal aspects for the CDPC, compiling information regarding existing provisions at the national and international level;
- invite the CDPC plenary to discuss this report at its next meeting;
- take note of the information provided by the Secretariat on the follow-up to be given to this report;

b. Preparation of the 29th Conference (17-19 June 2009, Tromsø, Norway)

- take note of the fact that the 29th Conference of European Ministers of Justice will take place in Norway in June 2009 and of the information provided by the Secretariat concerning the state of preparation of the Conference;
- hold a preliminary discussion on the possible themes of the conference, taking note of the information provided by the Secretariat on the following themes being currently considered under the general title of "A Safer Society for European Citizens":
 - o "Domestic violence/Violence against women, including violence against children" (proposal of the Norwegian authorities);
 - o "Dangerous offenders";
- propose to the CDPC plenary to discuss this item at the beginning of its June meeting, in order to allow the Bureau members to transmit CDPC's views on these themes to the representatives of other steering committees involved in the preparation of the conference (CDCJ and CDDH);

- take note of the proposal of one delegation for an additional theme entitled “International co-operation in criminal matters and transnational criminal justice”, while considering that this subject could be better served as the theme of a further conference of European Ministers of Justice;

Opinion of the Consultative Council of European Prosecutors (CCPE)

- examine and amend the draft comments on the Opinion of the CCPE entitled "Ways of improving international co-operation in the criminal justice field";
- propose to the CDPC plenary to adopt the comments as amended and to transmit the CCPE Opinion to the Committee of Ministers together with these comments;

Recommendations of the Parliamentary Assembly of the Council of Europe (PACE) for information and possible comments by the CDPC: Recommendation 1828 (20087) on “Disappearance of newborn babies for illegal adoption in Europe”

- examine and amend the draft opinion of the CDPC on Parliamentary Assembly Recommendation 1828 (2008) on “Disappearance of newborn babies for illegal adoption in Europe”;
- instruct the Secretariat to send the draft opinion as amended to all delegations of the CDPC for comments and to transmit the opinion to the Committee of Ministers if no comments are received by 21 May 2008;

Domestic violence including violence against women

- take note of the opinion of the Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) - adopted at the last meeting of the Task Force(1-4 April 2008) -, on the Feasibility Study for a convention on domestic violence, adopted by the CDPC at its plenary meeting in June 2007;
- have an exchange of views with Ms Dubravka Simonovic (Vice-Chair of the Task Force), invited by the Chairman of the CDPC to attend the Bureau meeting, and discuss different issues and options relating to the future work of the Council of Europe in this field;
- take note of the fact that Ms Simonovic presented the position of the Task Force with regard to a possible future convention in this field and, in particular, that the Task Force and the Steering Committee for Equality between Women and Men (CDEG) consider that this convention should address violence against women;
- transmit the opinion of the Task Force, as well as the recommendations already adopted by it, to the CDPC plenary;
- invite the CDPC plenary to take note of the opinion of the Task Force, as well as its position with regard to a possible future convention in this field;
- while taking note of the position of the Task Force, invite the plenary to send to the Committee of Ministers its feasibility study for a convention on domestic violence and the opinion of the Task Force on this study;

Appointment of a CDPC representative to the European Commission for the Efficiency of Justice (CEPEJ) and to the Consultative Council of European Judges (CCJE)

- in the case that there are no volunteers for these positions, propose to the CDPC plenary that the Bureau members should ensure CDPC representation at the meetings of these Committees, if such representation appears necessary on the basis of the agendas of their meetings;

Council for Penological Co-operation (PC-CP)

a. Draft European Rules for juvenile offenders

- take note of the oral information provided by the Chair of the PC- CP, Ms Sonja Snacken, on the work of the Council concerning the finalisation of the Draft European Rules for juvenile offenders and congratulate the Council for its work,
- take note of the draft Recommendation on the European Rules for Juvenile Offenders Subject to Sanctions or Measures and its explanatory memorandum as finalised by the PC-CP at its 58th meeting (31 March – 4 April 2008) and forward them to the CDPC for approval and transmission to the Committee of Ministers for adoption;
- make the following proposals as regards the organisation of the work regarding the approval of the

draft recommendation at the CDPC plenary:

- instruct the Secretariat to prepare, as working documents for the plenary, new versions of the draft Recommendation and its explanatory memorandum, indicating in footnotes any specific written proposals for amendments made by delegations for each rule;
- instruct the Secretariat to compile more general comments made by delegations in a separate compendium;

b. Recent and forthcoming work of the Council of Europe related to penitentiary issues including probation

- take note of the fact that PC-CP started at its 56th meeting in December 2007 its work on a draft recommendation concerning probation and aftercare in Europe and that, following the Bureau decision to speed up the finalisation of the draft recommendation on European Rules for Juvenile Offenders, the continuation of the work on probation was postponed for the next PC-CP meeting in October 2008;
- propose to the CDPC a prolongation of the ad hoc terms of reference of the PC-CP until 30 September 2009;
- take note of the proposals made by the PC-CP regarding the follow-up to be given to the conclusions adopted at the 14th Conference of Directors of Prison Administration (CDAP) held in Vienna on 19-21 November 2007;
- discuss the document “Current and future priorities and activities of the PC-CP”, consider that the issue of foreign prisoners should be included among the priorities of the PC-CP and decide to submit these proposals to the CDPC for approval;

c. Items for information

- take note of the forthcoming elections of three new members of the PC-CP at the next CDPC plenary and of the candidates put forward so far;
- welcome the efforts to restore financing of SPACE I and SPACE II; take note that it is envisaged to do so as of 2008.

Revised terms of reference: PC-OC, PC-CP, PC-S-CP & MONEYVAL

- examine the revised terms of reference of PC-OC, PC-CP, PC-S-CP & MONEYVAL;
- submit these revised terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption;
- as regards the revised terms of reference of the PC-CP, ask the Secretariat to provide background information on the reasons for extending observer status to two additional non-governmental organisations,
- as regards the revised terms of reference of MONEYVAL, express its view that the extension of the number of scientific experts could be an opportunity for MONEYVAL to increase its expertise with respect to international legal co-operation, in accordance with point 4.vi of its mandate;

Working methods of the CDPC and its Bureau

- adopt the revised document “Working methods of the CDPC and its Bureau” and submit it to the CDPC plenary for approval;

Information provided by the Chairman of the CDPC

a. Article 23 of the Convention on the Transfer of Sentenced Persons (CETS N° 112)

- take note of the information provided by the Chair, Mr Branislav Boháčik, on this item;

b. Cybercrime

- take note of the information provided by Mr Branislav Boháčik on developments in the field of Cybercrime and in particular the results of a Conference organised by the Council of Europe on 1-3 April 2008 and the TC-Y meeting which took place on 3 and 4 April 2008;

Information provided by the Secretariat

a. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC): simplified extradition

- take note of the summary meeting report of the 5th enlarged meeting of the restricted Group of experts on international co-operation (PC-OC Mod) and the list of decisions taken at the 54th plenary meeting of the PC-OC;

b. Preparation of normative texts concerning the European Convention on Extradition:

- take note of the progress achieved by the PC-OC concerning the drafting of a 3rd additional Protocol to the European Convention on Extradition, which will complement the Convention by simplifying extradition procedures where the person concerned consents to her/his extradition;
- take note of the decisions taken by the PC-OC in relation to the preparation of normative texts regarding compensation issues, lapse of time and the rule of speciality in extradition procedures;

c. Implementation of practical measures:

- take note of the presentation of the Secretariat concerning the progress made towards the implementation of practical measures to improve the operation of relevant conventions (list of points of contact and a database on national procedures regarding extradition and mutual legal assistance in criminal matters);

d. CODEXTER

- take note of the information provided on the last CODEXTER meeting;

Dates of the next meeting

- agree that the Bureau should have its next meeting in November 2008 and that the CDPC plenary meeting in 2009 should take place in September, after the Conference of the Ministers of Justice..

1. Opening of the meeting

1. The Bureau of the CDPC held its meeting in Strasbourg from 13 to 14 May 2008 with Mr Branislav BOHACIK (Slovakia) in the Chair.

2. Adoption of the agenda

2. The Agenda was adopted, as it appears in Appendix I to this report. Appendix II contains the list of participants.

3. Pharmaceutical crime

3. Mr Claude Debrulle, Chairman of the PC-S-CP, presented the final report of the Group (Doc. PC-S-CP (2008) Fin). He commended the group on its work, and highlighted in particular the very active contribution of the representatives of the European Commission and of the Parliamentary Assembly to the work of the PC-S-CP. Overall, the report confirmed the need to prepare a Council of Europe convention against pharmaceutical crimes, in particular against counterfeiting of medical products and directly related crimes.
4. Mr Debrulle then proceeded with the presentation of the major points raised by the report and those points amended or introduced by the Group in the light of the additional information provided by its members and the recommendations made by the CDPC Bureau at its previous meeting in January 2008:
5. The key objective of the future legal instrument was to protect public health through penal measures against criminal behaviour involving medical products and threatening public health. If the future instrument would be limited to counterfeiting of medical products and crimes related to the violation of intellectual property rights public health would not be adequately protected: as shown in the report, only a fraction of all medicinal products on the market was patent protected.
6. Chapter III of the report presenting a number of valid reasons why a Council of European convention was needed in this area.
7. Chapter IV of the report dealt with the scope of the future instrument defining inter alia terms used, The Group was divided whether clinical trials should also be covered by the future convention.
8. Chapter V contained a non-exhaustive list of the types of intentional offences to be covered by the text. Most of them related to public health, but there were also offences relating to intellectual property rights. In this context, it was clarified that quality defects and non-compliance with good practices of manufacture and distribution within licensed production and distribution of authorised legitimate medical products should not be criminalised unless criminal intent was present.
9. Chapter VI clarified the nature of the possible sanctions.
10. Regarding chapter VII on the jurisdiction of State Parties the Group could not examine the question relating to the absence of competence and the conflict of jurisdictions but had noted the major problems of jurisdiction which may occur.
11. Chapter VIII dealt with the exchange of information, procedure and international cooperation and proposes exchange of information via the so-called Single Points of Contact (SPOCs), to be able to trace financial transfers relating to such crimes and to have a centralised reporting network for quality defects and for counterfeit medical products.
12. Chapter IX dealt with prevention, administrative measures and protection of victims. It was underlined that the convention should be inspired and refer to Council of Europe texts relating to the protection of victims and that a monitoring mechanism should be created to supervise its implementation. As regards the latter several options were possible and the final choice would depend on the scope of the future convention.
13. Mr Debrulle also noted that the G8 had carried out a study on the topic but its results were not yet available.

14. Mr. Debrulle underlined that the time for preparing the report was very short. Although the Group had a multidisciplinary composition which had brought in very valuable expertise, more experts in penal law would be needed in case a preliminary draft convention should be prepared.
15. The Chairman and the Bureau members congratulated the PC-S-CP for its work which was considered convincing as regards the need, value and complementarities of a Council of Europe convention in this field and as conclusive to support the drawing-up of such an instrument. It was noted that the European Commission had initiated on 11 March 2008 public consultation as regards the preparation of a legal proposal to combat counterfeit medicines for human use¹. As this proposal focused on tightening requirements for the manufacturing, trading and distribution of medicines for human use and active substances and not primarily on criminal law aspects², the work of both organisations would complement each other.
16. Regarding the report, it was proposed to include also cybercrime in the list of possible crimes. It was also proposed that issues, on which no agreement had been reached by the Group, such as the important question related to clinical trials, should be included in the text of the future convention so that the representatives of the member States could reach a decision on them at a later stage. The Bureau members considered the penal responsibility of legal entities as a possibly controversial issue: penal responsibility was not recognised by all European national legal systems and it may be necessary to provide for several options the contracting states may choose from in this case. It was agreed that the draft text would remain open-ended on this particular issue as well.
17. The Bureau members noted that the CDPC plenary needed to take a decision on the feasibility of a binding legal instrument. They noted that all ministries involved at national level needed to be consulted by the CDPC representatives and that the task implied multidisciplinary co-operation. They noted nevertheless that in the opinion of the Bureau itself the drafting of such a legal instrument would seem the right approach to tackling effectively counterfeiting of medical products and related pharmaceutical crimes.
18. The Bureau then discussed the draft revised terms of reference of the PC-S-CP. The current terms of reference of the PC-S-CP would expire on 31 December 2008. In their revised terms of reference, the Group could be mandated, as proposed by the Bureau at its meeting on 16-18 January 2008, to prepare a preliminary draft convention against counterfeiting of medical products and related pharmaceutical crimes taking account of the instructions of the CDPC and the conclusions of the final report of the PC-S-CP. It was noted that currently the post of Secretary of the PC-S-CP was vacant after a change of post of the former Secretary. The post was expected to be filled during the coming months. This could pose certain problems regarding the organisation and holding of future meetings and the Secretariat was urged to find a solution to this matter and to involve more experts in penal law.
19. Pending the approval of the CDPC plenary at its forthcoming session on 2-6 June 2008, it was proposed to prepare the preliminary draft convention in three meetings starting September until January 2009 the preliminary draft convention resulting from these meetings could then be negotiated by a multidisciplinary Committee with the full participation of all Council of Europe member States. The multidisciplinary Committee would be convened in 2009 with a view to negotiating the draft convention. Then, the draft convention could be finalised and adopted by the multidisciplinary Committee in time for submission for approval by the CDPC plenary. In 2009.
20. Several options were examined regarding the time and work correlation between the PC-S-CP and the multidisciplinary full-participation Committee: a balance needed to be found between ensuring transparency of the drafting process and awareness and manageability of the drafting process. In conclusion, it was proposed, that member states representatives could attend as observers the forthcoming three PC-S-CP meetings at their own expenses. Taking account of the tight timelines for preparing the short time, it was therefore proposed that the Secretariat would draft the terms of reference of the multidisciplinary Committee with the full participation of all Council of Europe member States and present them for approval by the CDPC plenary at its forthcoming meeting on 2-6 June 2008 together with the revised terms of reference if the PC-S-CP and its final report. The

¹ Key ideas for better protection of patients against the risk of counterfeit medicines

² Point 4. "...The Commission is aware that the question of counterfeiting encompasses a vast range of aspects, ranging from internet trade to product-related legislation and even criminal law. Several of these aspects may fall outside the competences of the Community or require further in-depth analysis.."

Secretariat was instructed to indicate that the multidisciplinary Committee with the full participation of all Council of Europe member States could start its work in 2009 after the bureau had considered the a preliminary draft convention satisfactory.

4. Conferences of the Council of Europe Ministers of Justice

a. Follow-up of the 28th Conference (25-26 October 2007, Lanzarote)

21. The Bureau took note regarding Resolution No. 1 on access to justice for migrants and asylum seekers that the PC-OC adopted at its last meeting (April 2008) a questionnaire on the relationship between asylum and extradition procedures which will be sent shortly to all PC-OC delegations requesting them to reply before 1 September 2008.
22. As regards Resolution No. 2 on child-friendly justice, the Bureau took note that the Secretariat had appointed a consultant (Ms Turkovic, former vice-chair of the PC-ES) to prepare a report on criminal aspects of the issue. It further noted that the report will be ready on 15 May and will be sent to all CDPC delegations in time for the plenary meeting. This report will be discussed together with other two reports to be prepared by the CDCJ and CDDH at a Conference in Stockholm where all reports will be combined in one concluding document to be adopted by the Conference.
23. The Bureau expressed its regret that it will not be possible to examine the report before the plenary meeting and decided to put it on the agenda of the plenary meeting during the second half of the week in order to be able to prepare more structured discussions at the meeting itself.

b. Preparation of the 29th Conference (17-19 June 2009, Tromsø, Norway)

24. The Bureau took note of the information provided by the Secretariat that the 29th Conference of European Ministers of Justice will be held in Norway on 17-19 June 2009 and of the state of its preparation. It noted further that following proposals made by some member States the following themes were suggested under the general title of "A Safer Society for European Citizens": "Domestic violence/Violence against women, including violence against children" (proposal of the Norwegian authorities); and "Dangerous offenders". The Bureau held a preliminary discussion on these themes and noted that both of these are important issues and need the full attention of the Ministers of Justice. It was suggested to link the topic on dangerous offenders to prevention of recidivism in general as well as to the supervision and aftercare of specific groups of offenders after release.
25. The Secretariat informed that a joint meeting with the CDCJ and CDDH Chairs and vice-chairs will be held on 5 June 2008 (at 8h30) to discuss in greater details the suggested themes of the Conference. It was therefore decided that the item needs to be discussed by the CDPC plenary before that date in order for the Bureau to have clear indications regarding the approved topics in time for the said joint meeting. It was also suggested that representatives of the Norwegian authorities be invited to attend the said meeting.
26. The Bureau took also note of the proposal of one delegation for an additional theme entitled "Between international cooperation in criminal matters and transnational criminal justice", while considering that as the agenda of the 2009 Conference seems rather busy already this subject could be the theme of the following conference of European Ministers of Justice in 2010.

5. Opinion of the Consultative Council of European Prosecutors (CCPE)

27. The Bureau the CCPE opinion entitled "Ways of improving international co-operation in the criminal justice field" and noted that it acknowledges the priority importance of the PC-OC work not only as regards the drafting of legal instruments but also their ratification and implementation. It then turned its attention to the draft CDPC comments made on the CCPE opinion, introduced some drafting amendments and forwarded these to the CDPC plenary for adoption and for transmittal together with the CCPE Opinion to the Committee of Ministers.

6. Recommendations of the Parliamentary Assembly of the Council of Europe (PACE) for information and possible comments by the CDPC: Recommendation 1828 (20087) on “Disappearance of newborn babies for illegal adoption in Europe”

28. The Bureau examined and amended the draft opinion of the CDPC on Parliamentary Assembly Recommendation 1828 (2008) on “Disappearance of newborn babies for illegal adoption in Europe” and instructed the Secretariat to send the draft opinion as amended to all delegations for written comments (to be sent not later than 21 May 2008) following which to transmit the opinion to the Committee of Ministers.

7. Domestic violence including violence against women

29. The Bureau exchanged views with Ms Dubravka Simonovic (Vice-Chair of the Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV)) and examined the opinion of the Task Force on the feasibility study for a convention against domestic violence (Doc. CDPC(2007)09rev, approved at the CDPC plenary meeting in June 2007 and sent for opinion to the Task Force). The opinion of the Task Force was adopted at its last meeting (1-4 April 2008).

30. The Bureau took note that the Task Force as well as the Steering Committee for Equality between Women and Men (CDEG) were of the opinion that a future convention should deal with violence against women, including domestic violence as in their opinion cases of violence against men are already covered by national law and as violence against women is gender-related and is violation of their specific human rights as women and is also represent a gender discrimination .

31. After having discussed in details the issue the Bureau decided that as long as the CDPC plenary has already approved the need to draft a convention against domestic violence it would transmit to the plenary meeting the opinion of the Task Force, as well as the recommendations already adopted by it with a view of a future convention for information. The Bureau further decided that while acknowledging the position of the Task Force it will invite the CDPC plenary to send to the Committee of Ministers its feasibility study for a convention on domestic violence together with the opinion of the Task Force on this study.

8. Appointment of a CDPC representative to the European Commission for the Efficiency of Justice (CEPEJ) and to the Consultative Council of European Judges (CCJE)

32. The Bureau noted that for the time-being no CDPC delegation has expressed its readiness to represent the CDPC at the meetings of the above Committees. It decided therefore that in the case no candidates will be willing to represent the CDPC it will propose to the CDPC plenary that the Bureau members represent the CDPC at the above meetings, if such representation appears necessary depending on their meeting agendas.

9. Council for Penological Co-operation (PC-CP)

33. The Bureau took note of the oral information provided by Ms Sonja Snacken, Chair of the PC- CP regarding the requested by the Bureau speeding up of the finalisation of the Draft European Rules for juvenile offenders earlier than scheduled and congratulated the Council for the quality of its work. The Bureau members pointed out in particular that most points raised by the Bureau itself as well as in the written comments sent by the CDPC delegations had been taken into consideration and the draft text as it stands is a significant improvement.

34. The Bureau then had a discussion regarding the contents of the draft Recommendation and its explanatory memorandum. Several Bureau members informed that their delegations will send comments shortly (the deadline being May 21st). They indicated which rules may still give rise to comments and proposals for amendments and agreed that some issues may be solved by amending the explanatory memorandum rather than the rules themselves.

35. The Secretariat informed that so far only one country had sent their comments and they had not made specific drafting proposals as requested but rather comments of a general nature. The CPT had also informed that they will send their comments within the deadline and will participate in the plenary meeting . The Bureau therefore decided that in order to facilitate the work on the draft text and in order to concentrate on those rules to which specific drafting proposals for amendment have

been made, the Secretariat will prepare one single document containing the draft Recommendation. In that document each current draft rule shall be followed by the specific drafting proposals made by the CDPC delegations, where appropriate. All general comments shall be reproduced in the language in which they have been sent in a separate compendium.

36. The Bureau then turned its attention to the draft explanatory memorandum. It was considered that the length of the document may not facilitate finalising its drafting during the meeting. In case specific drafting proposals had been sent, these will be discussed at the plenary. The draft explanatory memorandum will be discussed chapter by chapter and the major task before the CDPC plenary will be to look into whether the commentary follows the rules themselves and which issues may be reflected in it rather than in the rules themselves. All other technical aspects of finalising both the draft recommendation and the draft explanatory memorandum may be entrusted to the Secretariat after the plenary.
37. It was agreed that the CDPC plenary will start its work with the approval of the draft Recommendation and its draft explanatory memorandum and will aim at finishing its work on that topic by Wednesday morning. In case of need those delegations which still need to find an acceptable drafting of specific rules may be convened in a separate meeting room to be able to do so.
38. The Bureau then turned its attention to the follow-up proposed by the PC-CP to the conclusions adopted at the 14th CDAP (Vienna, 19-21 November 2007) as well as to its recent and forthcoming work related to prison and probation (Doc (PC-CP(2008)02 rev and PC-CP (2008) 04rev). The Bureau took note of the priority areas of work suggested by the PC-CP, made specific proposals regarding foreign prisoners and decided to submit these proposals to the CDPC for approval.
39. The Bureau took further note of the fact that PC-CP started at its 56th meeting in December 2007 its work on a draft recommendation concerning probation and aftercare in Europe following the adoption by the Committee of Ministers of its *ad hoc* terms of reference to that effect (10 October 2008). Following the decision taken by the Bureau to speed up the work on the draft European Rules for juvenile offenders the PC-CP had postponed its work on probation and aftercare until its meeting in October 2008. It was therefore agreed to propose to the CDPC a prolongation of the *ad hoc* terms of reference of the PC-CP until 30 September 2009 (PC-CP(2008) 08).
40. The Bureau took note of the forthcoming elections of three new members of the PC-CP at the next CDPC plenary and of the list of candidates put forward so far by the PC-CP and by the German delegation.
41. The Bureau welcomed the fact that the financing of SPACE I and SPACE II had been restored as of 2008 and that the annual questionnaire was sent to the national authorities on 7 May 2008.

10. Revised terms of reference: PC-OC, PC-CP, PC-S-CP & MONEYVAL

42. The Bureau examined the draft revised terms of reference of PC-OC, PC-CP, PC-S-CP & MONEYVAL, amending the draft revised terms of reference of the PC-S-CP in the light of the Bureau's discussions (see item 3, Pharmaceutical Crime). It decided to submit these revised terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption.
43. As regards the revised terms of reference of the PC-CP, the Bureau instructed the Secretariat to provide to the plenary background information on the reasons for extending observer status to two additional non-governmental organisations. As regards the revised terms of reference of MONEYVAL, the Bureau expressed its view that the extension of the number of scientific experts of MONEYVAL from three to four could be an opportunity for MONEYVAL to increase its expertise with respect to international legal co-operation, in accordance with point 4.vi of its mandate, which provides that MONEYVAL is instructed to "where appropriate, make recommendations to the evaluated countries, with a view to [...] furthering international co-operation".
44. With respect to the PC-OC, while approving its revised terms of reference, the Bureau took note of the opinion expressed by some of its members that the PC-OC should be asked to define more clearly the role of its restricted Group of Experts (PC-OC Mod).

11. Working methods of the CDPC and its Bureau

45. The Bureau examined the modifications proposed by the Maltese delegation to the revised document "Working methods of the CDPC and its Bureau" (CDPC (2007) 02 rev5) and approved these modifications. It decided to submit the document, as amended, to the CDPC plenary for approval.

12. Information provided by the Chairman of the CDPC

a. Article 23 of the Convention on the Transfer of Sentenced Persons (CETS N° 112)

46. The Bureau took note of the information provided by the Chair on a case relating to the requested transfer of a foreign national serving a prison sentence in another State.

b. Cybercrime

47. The Bureau took note of the information provided by Mr Branislav Boháčik (Slovakia), representative of the CDPC to the T-CY, on developments in the field of Cybercrime and in particular the results of a Conference organised by the Council of Europe on 1-3 April 2008 and the T-CY meeting which took place on 3 and 4 April 2008. He stated that both the Conference and the following meeting of the Contracting Parties had been highly successful. He highlighted, in particular, the adoption of non-binding "Guidelines for the co-operation between law enforcement and internet service providers against cybercrime" and a fruitful exchange of views on the issue of electronic evidence.

13. Information provided by the Secretariat

a. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC): simplified extradition

48. The Bureau took note of the summary meeting report of the 5th enlarged meeting of the restricted Group of experts on international co-operation (PC-OC Mod) and the list of decisions taken at the 54th plenary meeting of the PC-OC. It noted in particular the progress achieved by the PC-OC concerning the drafting of a 3rd additional Protocol to the European Convention on Extradition, which will complement the Convention by simplifying extradition procedures where the person concerned consents to her/his extradition. It also took note of the decisions taken by the PC-OC in relation to the preparation of normative texts regarding compensation issues, lapse of time and the rule of speciality in extradition procedures, and notably of the fact that the PC-OC had reached the drafting stage for the two latter issues.

49. The Bureau was also informed about the progress made towards the implementation of practical measures to improve the operation of relevant conventions (list of points of contact and a database on national procedures regarding extradition and mutual legal assistance in criminal matters), to be presented to the CDPC plenary in June.

b. CODEXTER

50. The Bureau took note of the information provided on the last CODEXTER meeting.

14. Dates of the next meeting

51. The Bureau agreed to organise its next meeting in November 2008. Taking into account the dates of the forthcoming Conference of European Ministers of Justice, the Bureau proposed that the CDPC plenary meeting in 2009 should take place in September.

APPENDIX I

Agenda

[The agenda with links to the working documents is available on the CDPC website]

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
Working documents
Draft agenda
Draft annotated agenda
3. **Council for Penological Co-operation (PC-CP)**
 - a. **Draft European Rules for juvenile offenders**
Working documents
Draft Recommendation on the European Rules for juvenile offenders subject to sanctions or measures
Explanatory report
 - b. **Recent and forthcoming work of the Council of Europe related to penitentiary issues including probation**
Working documents
Prolongation of the *ad hoc* terms of reference for the Council for Penological Co-operation relating to probation and aftercare services in the European criminal justice systems
Current and future priorities and activities of the PC-CP
Forthcoming election of PC-CP members
Preparation of a conference on probation and aftercare
4. **Conferences of the European Ministers of Justice**
 - a. **Follow-up to the 28th Conference (25-26 October 2007, Lanzarote, Spain)**
Working documents
Resolution No. 1 on access to justice for migrants and asylum seekers
Resolution No. 2 on child-friendly justice
 - b. **Preparation of the 29th Conference (17-19 June 2009, Tromsø, Norway)**
5. **Pharmaceutical crime: Committee PC-S-CP**
Working documents
Final Report
Terms of reference
2nd Summary meeting report
3rd Summary meeting report
6. **Violence against women, including domestic violence**
Working documents
Feasibility study for a Convention against domestic violence
Opinion of the EG-TFV on the feasibility study
Recommendation on the protection of women against violence
7. **Revised terms of reference: PC-OC, PC-CP, PC-S-CP & MONEYVAL**
Working documents
PC-OC revised terms of reference
PC-CP revised terms of reference

PC-S-CP revised terms of reference
MONEYVAL revised terms of reference

8. **Opinion of the Consultative Council of European Prosecutors (CCPE)**
Working documents
CCPE opinion N° 1 (2007) on “Ways of improving international co-operation in the criminal justice field”
CDPC comments & implementation of the Recommendations
9. **Working methods of the CDPC and its Bureau**
Working document
Working methods of the CDPC and its Bureau
10. **Information provided by the Chairman of the CDPC**
 - a. **Article 23 of the Convention on the Transfer of Sentenced Persons (CETS N° 112)**
 - b. **Cybercrime**
Working documents
Guidelines for the cooperation between law enforcement and internet service providers against cybercrime
Conclusions of the Octopus Interface Conference on cooperation against cybercrime (1-2 April 2008)
T-CY meeting report (3-4 April 2008)
Recommendation on measures to promote the respect for freedom of expression and information with regard to Internet filters
11. **Information provided by the Secretariat**
 - a. **Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC): simplified extradition**
Working documents
PC-OC-Mod Summary meeting report
List of decisions taken at the 54th meeting of the PC-OC
Draft 3rd Additional Protocol to the European Convention on Extradition
 - b. **CODEXTER**
Working document
State of signatures and ratifications of the Council of Europe conventions against terrorism
New database on cyberterrorism
CODEXTER contribution to the preparations for the formal review of the UN Global Counter-Terrorism Strategy and its implementation
12. **Appointment of a CDPC representative to the European Commission for the Efficiency of Justice (CEPEJ) and to the Consultative Council of European Judges (CCJE)**
Working document
List of candidates
13. **Recommendations of the Parliamentary Assembly of the Council of Europe (PACE) for information and possible comments by the CDPC**
Working documents
Rec 1828 (2008): Disappearance of newborn babies for illegal adoption in Europe
Draft opinion
14. **Any other business**
15. **Dates of the next meeting**

APPENDIX II

LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

AUSTRIA / AUTRICHE

Mr Roland MIKLAU, Former Director General, Criminal Law, Ministry of Justice, Head of Mission, TIRANA, Albania Apologised / Excusé

DENMARK / DANEMARK

Mr Jesper HJORTENBERG, Deputy Director of Public Prosecution, Office of the Director of Public Prosecution, COPENHAGEN

FRANCE

M. Eric RUELLE, Chargé de Mission pour les négociations pénales internationales, Ministère de la Justice, PARIS

Deputy Chair of the CDPC / Vice-Président du CDPC

GERMANY / ALLEMAGNE

Mr Hans-Holger HERRNFELD, Regierungsdirektor, Head of International Criminal Law and European and Multilateral Criminal Law Cooperation Division, Bundesministerium der Justiz, BERLIN

GREECE / GRECE

Ms Maria GAVOUNELI, Assistant Professor of International Law, Faculty of Law, University of Athens, ATHENS

ROMANIA / ROUMANIE

M. Florin Razvan RADU, Directeur, Direction du Droit International et des Traités, BUCAREST

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Alexander ZMEYEVSKIY, Director, Department on New Challenges and Threats, Ministry of Foreign Affairs, MOSCOW Apologised / Excusé

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mr Branislav BOHÁČIK, Director – Division for Judicial Co-operation in Criminal Matters, Ministry of Justice, BRATISLAVA

Chair of the CDPC / Président du CDPC

SLOVENIA / SLOVENIE

Ms Andreja LANG, Constitutional Court of Republic of Slovenia, LJUBLJANA Apologised / Excusé

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COUNCIL FOR PENOLOGICAL CO-OPERATION (PC-CP) / CONSEIL DE COOPERATION PENOLOGIQUE (PC-CP)

Ms Sonja SNACKEN, Professor, Department of Criminology, Faculty of Law, Vrije Universiteit Brussel, BRUSSELS

Chair of the PC-CP / Présidente du PC-CP

GROUP OF SPECIALISTS ON COUNTERFEIT PHARMACEUTICAL PRODUCTS (PC-S-CP) / GROUPE DE SPECIALISTES SUR LES PRODUITS PHARMACEUTIQUES CONTREFAITS (PC-S-CP)

M. Claude DEBRULLE, Directeur Général honoraire, Direction Générale de la Législation, des Libertés et Droits fondamentaux, Ministère de la Justice, BRUXELLES

Chair of the PC-S-CP / Président du PC-S-CP

COUNCIL OF EUROPE TASK FORCE TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE (EG-TFV) / TASK FORCE DU CONSEIL DE L'EUROPE POUR COMBATTRE LA VIOLENCE A L'EGARD DES FEMMES, Y COMPRIS LA VIOLENCE DOMESTIQUE (EG-TFV)

Ms Feride ACAR, Professor, Department of Political Science and Public Administration, Middle East Technical University (METU), ANKARA

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SECRETARIAT OF THE COUNCIL OF EUROPE
SECRETARIAT DU CONSEIL DE L'EUROPE

Directorate General of Human Rights and Legal Affairs / Direction Générale des droits de l'Homme et des affaires juridiques (DG-HL)

Mr Jan KLEIJSEN, Director of Standard-Setting / Directeur des Activités Normatives

Human Rights Development Department / Service du développement des droits de l'Homme

Ms Marta REQUENA, Head of the Gender and Anti-trafficking Equality Division / Chef des la Division pour l'égalité entre les femmes et les hommes et la lutte contre la traite

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Ms Iliana TANEVA, Secretary to the PC-CP / Secrétaire du PC-CP

Mr Hasan BERMEK, Administrator / Administrateur

Ms Camilla TESSENYI, Co-ordinator for protection of children / Coordinatrice pour la protection des enfants

Ms Claire ROBINS, Assistant / Assistante

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INTERPRETERS / INTERPRETES

Mme Chloé CHENETIER

Mme Bettina LUDEWIG

M. Olivier OBRECHT