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PC-OC(2017)05

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
(PC-OC)

DRAFT TERMS OF REFERENCE
2018-2019

Draft terms of reference 2018-2019

COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON CO-OPERATION IN CRIMINAL MATTERS (PC-OC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2018 until 31 December 2019**

MAIN TASKS

Under the supervision of the European Committee on Crime Problems (CDPC), the Committee is instructed to:

- (i) monitor and evaluate the operation of the conventions (mentioned in Appendix 1) on international co-operation in criminal matters with a view to facilitating their practical implementation;
- (ii) discuss practical difficulties encountered by States Parties concerning the European conventions on international co-operation in criminal matters and express non-binding opinions concerning the implementation of the provisions of these Conventions;
- (iii) consider various steps and initiatives to improve the efficiency of international co-operation in criminal matters, including in particular to improve practical co-operation as well as developing normative texts in accordance with the given instructions by the CDPC;
- (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) carry out other specific mandates given by the CDPC;
- (vii) in accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility¹, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

PILLAR/SECTOR/PROGRAMME

Pillar: Rule of Law

Sector: Strengthening the Rule of Law

Programme: Development and implementation of common standards and policies

SPECIFIC TASKS

- (i) Improve the functioning of the conventions on international co-operation in criminal matters, including by the drafting of new standards, where necessary, and the development of practical guidelines and tools. In this regard, pay particular attention to the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters as well as to cooperation in the field of search, seizure and confiscation of proceeds of crime and sharing of assets;
- (ii) Make a substantial contribution to the implementation of the Action Plan adopted by the CDPC to the White Paper on Transnational Organised Crime, including at least 8 actions;
- (iii) Identify, at the earliest stage possible, concrete problems experienced by Parties to the conventions, by discussion during meetings and on the online forum, propose practical solutions, such as procedural guidelines or notes for practitioners, and facilitate bilateral consultation;
- (iv) Continue improving the PC-OC website as a user-friendly and reliable source of legal and practical information for practitioners (including, for example, country information, legal standards, case law, practical guidelines, model forms, thematic background papers and non-binding opinions of the PC-OC) needed to implement the conventions on international co-operation in criminal matters.

¹ Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in Appendix 1.

COMPOSITION**Members:**

Governments of member States are invited to designate one or more representatives of the highest possible rank in the relevant field of international criminal law, in particular officials in charge of international co-operation in criminal matters.

The Council of Europe 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).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Consultative Council of European Prosecutors (CCPE);
- Consultative Council of European Judges (CCJE);
- European Commission for the Efficiency of Justice (CEPEJ);
- Cybercrime Convention Committee (T-CY)
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- 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);
- European Institute for Crime Prevention and Control (HEUNI);
- Organisation of American States (OAS);
- Ibero-American Network for International Legal Cooperation (IberRed).

Observers:

The following may send representatives without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities.

WORKING METHODS**Meetings:**

Plenary meetings:

48 members, 2 meetings in 2018, 3 days

48 members, 2 meetings in 2019, 3 days

Working Group meetings:

9 members (Bureau members and 7 members elected by the PC-OC), 2 meetings in 2018, 3 days

9 members (Bureau members and 7 members elected by the PC-OC), 2 meetings in 2019, 3 days

All member States may send representatives to the working group meeting without defrayal of expenses.

Bureau:

The Bureau is composed by the Chair and the Vice-Chair. The Chair and the Vice Chair are elected for a term of one year. The terms of the Chair and of the Vice-Chair are renewable once.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS**CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

PC-OC	
24	European Convention on Extradition
86	Additional Protocol to the European Convention on Extradition
98	Second Additional Protocol to the European Convention on Extradition
209	Third Additional Protocol to the European Convention on Extradition
212	Fourth Additional Protocol to the European Convention on Extradition
30	European Convention on Mutual Assistance in Criminal Matters
99	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
182	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
51	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders
70	European Convention on the International Validity of Criminal Judgments
73	European Convention on the Transfer of Criminal Proceedings
112	Convention on the Transfer of Sentenced Persons
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime