

## 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**

PILLAR/SECTOR/PROGRAMME
<p><b>Pillar:</b> Rule of Law <b>Sector:</b> Strengthening the Rule of Law <b>Programme:</b> Common Standards and Policies</p>
MAIN TASKS
<p>Under the supervision of the European Committee on Crime Problems (CDPC), the Committee is instructed to:</p> <ul style="list-style-type: none"><li>(i) monitor and evaluate the operation of the relevant conventions on international co-operation in criminal matters with a view to facilitating their practical implementation;</li><li>(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;</li><li>(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;</li><li>(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;</li><li>(v) follow the application of the European Convention on Human Rights with regard to international co-operation in criminal matters;</li><li>(vi) carry out other specific mandates given by the CDPC;</li><li>(vii) in accordance with decisions <a href="#">CM/Del/Dec(2013)1168/10.2</a> 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 responsibility,<sup>1</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</li></ul>
SPECIFIC TASKS
<ul style="list-style-type: none"><li>(i) Continue improving the functioning of the Convention on the Transfer of Sentenced Persons and its Additional Protocol, as amended, and consider, in particular, updating of the recommendations Rec(88)13 and Rec(92)18 of the Committee of Ministers concerning the practical application of the Convention of the Transfer of Sentenced Persons as well as Rec(84)11 concerning information about the Convention or the development of further standards or guidelines, referring to the replies received to the questionnaire on the implementation of the Convention.</li><li>(ii) Improve the functioning of the conventions related to international co-operation on search, seizure, and confiscation of proceeds of crime and consider possibilities to allow asset sharing, including by the drafting of new standards, where necessary, and the development of practical guidelines and tools, in co-operation with the COP 198. Reference is made to the replies received to the questionnaire on the use and efficiency of Council of Europe instruments as regards international co-operation in the field of seizure and confiscation of proceeds of crime, including the management of confiscated goods and asset sharing.</li><li>(iii) 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 eight actions.</li><li>(iv) Consider ways to promote the ratification of the Second Additional Protocol to the Convention on Mutual Assistance in Criminal Matters (ETS N°182), including by the organisation of a conference.</li><li>(v) Improve the application of ETS N°182 mentioned above by the development and use of practical tools and guidelines.</li><li>(vi) Facilitate international co-operation as regards criminal, civil and administrative proceedings against legal persons, where necessary by the drafting of new standards or practical guidelines.</li><li>(vii) 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 consultations.</li></ul>

<sup>1</sup> Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in CM(2017)132.

- (viii) 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.
- (ix) Consider the development and use of secure forms of electronic communication, including the transmission of requests for co-operation.
- (x) Explore ways to ensure the interconnection of existing networks established to facilitate international co-operation in criminal matters.

## 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 Co-operation (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 co-operation 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, elected for a term of one year, 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.