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EUROPEAN COMMITTEE ON CRIME PROBLEMS
COMITE EUROPEAN POUR LES PROBLEMES CRIMINELS
(CDPC)

Committee of Experts on the
Operation of European Conventions on Co-Operation in Criminal Matters

SUMMARY REPORT
of the 57th meeting of the PC-OC

Strasbourg, 17-19 November 2009
AGORA, Room G 01

EXECUTIVE SUMMARY

At its 57th meeting, the PC-OC:

Modernisation of the European Convention on Extradition

- agreed on a text amending Articles 14 (rule of speciality) and 15 (re-extradition), with the exception of a new paragraph 4 of Article 14, instructing the PC-OC Mod to continue working on this text (paragraphs 4-10);
- modified draft texts on amendments to the Convention concerning lapse of time, documents and channels and means of communication, and instructed the PC-OC Mod to examine these new texts (paragraphs 11-16);
- decided to examine the possibility of amending the Convention as regards language issues (paragraphs 17-19);

Follow-up of the 29th Conference of the Council of Europe Ministers of Justice (18-19 June 2010, Tromsø)

- welcomed Resolution No. 2 on Mutual Assistance in Criminal Matters adopted by Ministers on the occasion of the 29th Conference (paragraphs 20-21) and the developments concerning the project "effective practical tools to facilitate judicial co-operation in criminal matters" (paragraph 22);

Future activities and priorities of the PC-OC

- decided to start work on specific questions relating to jurisdiction it identified, while pursuing as its first priority the modernisation of the European Convention on Extradition (see paragraphs 23-27);

Practical problems and concrete cases concerning the implementation of conventions

- had an exchange of views concerning issues brought to its attention by delegations (paragraphs 28-31);
- took note of information provided by the Chair, the representative of the European Commission and by the Secretariat (paragraphs 33-34);
- re-elected its Chair and Vice Chair for one year (paragraph 35);
- set the dates for its next meetings as 17-19 March 2010 for the 9th meeting of the PC-OC Mod and 4-6 May 2010 for the 58th plenary meeting of the PC-OC.

1. OPENING OF THE MEETING

1. The Chair, Mr Erik Verbert (Belgium), opened the meeting and welcomed all participants.
2. The Head of the Law Reform Department, Mr Jörg Polakiewicz, informed the PC-OC about recent developments within the Council of Europe in the criminal law field, and in particular about the results of the 58th Plenary Session of the CDPC (12-16 October 2009), during which the CDPC approved the draft Third Additional Protocol to the European Convention on Extradition adopted by the PC-OC, as well as the “draft Convention of the Council of Europe on Counterfeiting of Medical products and Similar Crimes involving Threats to Public Health” and the Council of Europe Probation Rules. The PC-OC also took note of the outcome of the 29th Council of Europe Conference of Ministers of Justice in Tromsø, Norway (18-19 June 2009), including the adoption by the Ministers of a Resolution marking the 50th anniversary of the European Convention on Mutual Assistance in Criminal Matters.

2. ADOPTION OF THE DRAFT AGENDA

3. The agenda was adopted, as it appears in Appendix II to the report. Appendix I contains the list of participants.

3. PREPARATION OF NORMATIVE TEXTS CONCERNING THE EUROPEAN CONVENTION ON EXTRADITION**3.1. RULE OF SPECIALITY**

4. In accordance with the mandate it received from the CDPC to modernise Article 14 of the Convention, the PC-OC continued its examination of this issue on the basis of the document PC-OC (2009) 15, reflecting the discussions held at 8th meeting of the PC-OC Mod (30 September-2 October 2009).
5. The PC-OC approved the following amendments to Article 14 of the Convention:
 - Replacement of the words “proceeded against” in the first sentence of paragraph 1 with the words “arrested, prosecuted, tried” and the addition of an explicit reference to the possibility of carrying out pre-trial investigations under paragraph 2;
 - Introduction of a 90-day time limit for the (formerly) requested State to decide on a request to extend the scope of the initial extradition, with the possibility of an extension of this time limit (paragraph 1.a);
 - Shortening of the 45-day limit foreseen in paragraph 1.b to 30 days.
6. The PC-OC also decided to align the text of Article 15 of the Convention (re-extradition to a third state) on the new text of Article 14, paragraph 1.a, by introducing a 90-day time limit for the consent to re-extradition.
7. As regards the introduction of a new “emergency custody procedure” (new paragraph 4 of Article 14), a number of delegations had previously expressed strong reservations vis-à-vis this possibility, which they saw as an excessive limitation of the personal freedom of the person, without adequate safeguards. Many delegations also considered that, with the changes envisaged to Article 14, it could be superfluous to introduce such a procedure. As there was no agreement within the PC-OC regarding the text of this paragraph, it decided that a new proposal for this paragraph should be examined by the PC-OC Mod.

8. The PC-OC also examined a new draft explanatory report to Article 14 proposed by the Secretariat and approved it with amendments, with the exception of the section relating to Article 14, paragraph 4.
9. The PC-OC instructed the Secretariat to amend Article 14, paragraph 4 in the light of the discussions held during the meeting and send the revised text to all delegations for comments, and invited the latter to submit their written comments on this new text to the Secretariat by 15 February 2010.
10. Finally, it instructed the PC-OC Mod to examine this revised text and the written comments at its next meeting, amend it as necessary and submit it to the plenary.

3.2. LAPSE OF TIME

11. The PC-OC continued with the examination of possible amendments to Article 10 of the European Convention on Extradition relating to lapse of time on the basis of the document PC-OC (2009) 06 rev 3, reflecting the discussions held at the 8th meeting of the PC-OC Mod.
12. The PC-OC agreed on a number of changes to this document, and notably the incorporation of the wording of the Resolution (75) 12 of the Committee of Ministers concerning the effect of interrupting acts and events suspending time limitation. It decided to keep lapse of time in the requesting State as a ground for refusal for the requested State, considering the experience of some member States with cases where the requesting State failed to withdraw an extradition request despite lapse of time. It agreed, however, that there was no need to regulate the date at which the calculation of lapse of time should take place.
13. The PC-OC instructed the Secretariat to amend this text in the light of the discussions held during the meeting and to draft a preliminary explanatory report to its provisions. The PC-OC Mod was instructed to examine this revised text and the explanatory report thereto at its next meeting, amend it as necessary and submit it to the plenary.

3.3. CHANNELS AND MEANS OF COMMUNICATION

14. The PC-OC examined the document PC-OC (2009) 16 relating to channels and means of communication, which contained a text proposed by the PC-OC Mod to amend Article 12 of the European Convention on Extradition as regards the channels and means of communication, as well as the extradition request and supporting documents.
15. While agreeing in principle that there should be a new separate article (Article 12 bis in the draft text) on channels and means of communication, the PC-OC considered that this text needed to be reworked, notably as regards the role of INTERPOL, as well as the emphasis to be put on electronic means of communication and the possibility to use the diplomatic channel.
16. The PC-OC instructed the Secretariat to revise this text in the light of the discussions held during the meeting and to seek comments from INTERPOL concerning the ways in which it assists communications with respect to extradition. It requested the PC-OC Mod to examine this revised text, to amend it as necessary and to submit it to the plenary.

3.4. OTHER ISSUES RELATING TO THE MODERNISATION OF THE CONVENTION

17. The PC-OC held a discussion on other aspects of the European Convention on Extradition that may need to be modernised, and which could be amended in a possible Fourth Additional Protocol to the Convention. In accordance with the specific mandate it received from the CDPC for this modernisation exercise, it looked at language issues in particular.

18. It decided to instruct the Secretariat to prepare a short draft questionnaire on the practical experience of member States regarding language requirements under the Convention, which should be finalised in the light of comments and complementary questions sent by delegations and invited all delegations to reply to this questionnaire by 12 April 2010.
 19. The PC-OC also considered the possibility of consolidating the Convention and the First and Second Additional Protocols thereto. It instructed the Secretariat to prepare a working document regarding this issue, which should include the different techniques that could be envisaged, the current state of signatures and ratifications of the Protocols, as well as the declarations and reservations made with respect to their provisions. It decided to come back to this question at its next plenary meeting on the basis of this document.
- 4. FOLLOW-UP OF THE 29TH CONFERENCE OF THE EUROPEAN MINISTERS OF JUSTICE (18-19 JUNE 2009, TROMSØ, NORWAY)**
20. The PC-OC took note of the information provided by the Secretariat on the 29th Conference of the European Ministers of Justice, and notably Resolution No. 2 on mutual legal assistance in criminal matters adopted by Ministers on the occasion of this conference (see Appendix IV). The PC-OC welcomed in particular the support expressed by the Ministers to the work of the PC-OC and their call on member States to sign and ratify the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.
 21. As regards the invitation of the Ministers for the Council of Europe to intensify co-operation between the PC-OC and the European Judicial Network (paragraph 15 of the Resolution), the PC-OC welcomed the participation of a member of the Secretariat of the European Judicial Network, Mr Florin Razvan Radu, in its present meeting. Mr Radu expressed the view that the Secretariats of the PC-OC and EJM should attend each other's meetings on a regular basis and pointed to the possibility for the European Judicial Atlas to be extended to non-EU member States of the Council of Europe and to be made available on the website of the latter.
 22. The PC-OC took note of the update provided by the Secretariat on developments concerning the project entitled "effective practical tools to facilitate judicial cooperation in criminal matters" and expressed its support to this project which aims at creating model request forms for mutual assistance, which will subsequently be customised by each member State. It was notably informed of the launching of the first phase of the project in September 2009. It thanked Germany for its financial contribution to this first phase, which aims at developing a draft model request form for mutual legal assistance, as well as guidelines to practitioners, which will serve as the basis for future steps of the project.
- 5. FUTURE ACTIVITIES AND PRIORITIES OF THE PC-OC**
23. Following the adoption of the Third Additional Protocol to the European Convention on Extradition by the CDPC at its 58th plenary session (12-16 October 2009), the PC-OC discussed its future activities and priorities. It took account of the fact that the CDPC, having observed that questions relating to jurisdiction (and in particular double criminality) frequently arise when preparing criminal law conventions, had instructed the PC-OC to look into the effects of jurisdiction in relation to international cooperation in criminal matters.
 24. The PC-OC took note of the information provided by the Secretariat on the discussions relating to jurisdiction that took place during the preparation of the draft Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health and within the Cybercrime Convention Committee (T-CY). The PC-OC also took into consideration the analysis on jurisdiction contained in the Explanatory Report to the European Convention on the Transfer of Proceedings in Criminal Matters (ETS No. 73). The PC-OC was mindful of the fact that changes had occurred regarding the conditions affecting international co-operation in criminal matters since the opening to signature of this Convention 37 years previously.

25. The PC-OC took note of the fact that there were ongoing negotiations within the European Union with a view to developing an instrument regarding transfer of proceedings, the initial draft of which was based on this Convention. It invited the representatives of the EU institutions to keep the PC-OC abreast of developments in this field.
26. While agreeing that the modernisation of the European Convention on Extradition should remain its priority for the time being, the PC-OC decided to undertake work on the specific issues it identified during the meeting. These could include:
- European Convention on the Transfer of Proceedings in Criminal Matters: this is the main Council of Europe instrument regulating international aspects of jurisdiction. A review of its application could be well-timed given the EU initiatives in this field;
 - Specific questions relating to double criminality (by extension of the work conducted in this field in the framework of the "New Start" report);
 - The application of Article 21 of the European Convention on Mutual Assistance in Criminal Matters (laying of information);
 - The application of the *aut dedere, aut judicare* principle.
27. As a first step, the PC-OC invited delegations to provide practical cases and experiences regarding the application of the Convention on the Transfer of Proceedings or alternatives, with either a positive or negative outcome, in view of its next plenary meeting.

6. PRACTICAL PROBLEMS AND CONCRETE CASES CONCERNING THE IMPLEMENTATION OF CONVENTIONS

28. The PC-OC devoted a part of its plenary meeting to discussing practical cases brought to its attention by its members.
29. The PC-OC took note of the information provided by the Belgian delegation on a successful case of extradition from Kenya, including practical details having contributed to this success, and thanked the Belgian delegation for this information.
30. The PC-OC also took note of a problem identified by two delegations in connection with extradition cases involving transit through Italy, where Italy required the consent of the extradited person to be obtained, which caused the transit arrangements to be changed. The PC-OC delegations were of the view that this might have been due to a wrong interpretation of internal legislation and a confusion between the extradition procedure and transit formalities. The PC-OC invited the Italian delegation, who could not be present during this discussion, to comment on these cases at the next plenary meeting of the PC-OC.
31. The PC-OC also recalled its previous invitation to the Russian delegation to keep it informed of planned amendments to the official translation of the European Convention on Mutual Assistance in Criminal Matters into Russian and the Russian legislation on mutual assistance, in order to remedy a problem previously identified by the PC-OC relating to the application of this Convention. It requested this delegation to report on this issue at the next plenary meeting of the PC-OC.

7. PRACTICAL MEASURES: REQUEST FOR STANDARD TEXTS PROVIDING INFORMATION ABOUT THE CONVENTION ON THE TRANSFER OF SENTENCED PERSONS IN THE OFFICIAL LANGUAGES OF STATES PARTIES

32. The PC-OC took note of the information provided by the Secretariat that not all States Parties to the Convention on the transfer of sentenced persons (ETS No. 112) have provided an authoritative translation into their official language(s) of a standard text containing information on the Convention, in accordance with the Recommendation R (84) 11 of the Committee of Ministers. The PC-OC therefore requested all States Parties to the Convention who have not yet provided this translation to send it to the Secretariat.

8. POINTS FOR INFORMATION

33. The PC-OC took note of the Information provided by Mr Anders Aagaard, representative of the European Commission, on new instruments in the criminal law field being negotiated within the European Union. Mr Aagaard notably informed the PC-OC about the developments regarding procedural rights, transfer of proceedings, trafficking in human beings and sexual exploitation of children and stated that, following the entry into force of the Lisbon Treaty, these texts would be reintroduced as proposals for directives. He also made reference to the conclusion of a mutual assistance agreement between the EU and Japan at a technical level, and pointed to potential further initiatives concerning victims and an instrument on mutual recognition of evidence.

34. The PC-OC also took note of the information provided by the Chair and the Secretariat on a meeting organised by Eurojust on international co-operation in criminal matters with the Russian Federation (the Hague, 8-9 October 2009), during which the Council of Europe was invited to present the activities of the PC-OC.

9. ELECTION OF THE CHAIR AND THE VICE-CHAIR

35. The PC-OC re-elected Mr Erik Verbert (Belgium) as Chair and Ms Barbara Göth-Flemmich (Austria) as Vice-Chair for one year.

10. DATES OF THE NEXT MEETINGS

36. The PC-OC agreed on the following dates for the next meetings of the PC-OC:

- 9th enlarged meeting of the PC-OC Mod: 17-19 March 2010;
- 58th meeting of the PC-OC: 4-6 May 2010.

APPENDIX I**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS****MEMBER STATES / ETATS MEMBRES****ALBANIA / ALBANIE**

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Apologised / Excusé

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Apologised / Excusée

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Apologised / Excusé

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE / COMMISSION EUROPEENNE
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Apologised / Excusé

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Justice, 97765 – JERUSALEM

**INTERNATIONAL INTERGOVERNMENTAL ORGANISATIONS /
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**UNITED NATIONS OFFICE FOR DRUGS AND CRIME (UNODC) / OFFICE DES NATIONS UNIES
CONTRE LA DROGUE ET LE CRIME (UNODC)**

**UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE (UNICRI) /
INSTITUT INTERREGIONAL DE RECHERCHE DES NATIONS UNIES SUR LA CRIMINALITE ET LA
JUSTICE (UNICRI)**

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**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)/ HAUT
COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME (HCDH)**

INTERNATIONAL CRIMINAL COURT (ICC) / TRIBUNAL PENAL INTERNATIONAL (TPI)

**INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) / TRIBUNAL
PENAL INTERNATIONAL POUR L'EX-YOUGOSLAVIE (TPIY)**

SECRETARIAT

**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
Mr Jörg POLAKIEWICZ	Head of the Law Reform Department Chef du Service des réformes législatives
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Ms Amanda BEDDOWS
Ms Barbara GRUT
Ms Bettina LUDEWIG
Ms Monique PALMIER
Mr William VALK

APPENDIX II**Agenda**

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
Working documents
 Draft agenda [PC-OC \(2009\) OJ2](#)
 Draft annotated agenda [PC-OC \(2009\) 17](#)
3. **Preparation of normative texts concerning the European Convention on Extradition**
Working documents
 “New Start” Report [PC-S-NS \(2002\) 7](#)
 Extract without appendices from the list of Decisions of the 58th Plenary Session of the CDPC [CDPC \(2009\) 13 Extract](#)
 Summary Report of the 56th meeting of the PC-OC [PC-OC \(2009\) 12](#)
 List of decisions of the 8th enlarged meeting of the PC-OC Mod [PC-OC Mod \(2009\) 03](#)
 - 3.1. **Rule of speciality**
Working documents
 Questionnaire on the rule of speciality [PC-OC \(2008\) 01 Rev](#)
 Replies to the questionnaire on the rule of speciality [PC-OC \(2008\) 04 Rev 2](#)
 Summary of replies [PC-OC \(2008\) 12](#)
 Draft text on the rule of speciality and its explanatory report [PC-OC \(2009\) 15](#)
[Appendix](#)
 - 3.2. **Lapse of time**
Working documents
 Background information prepared by the Secretariat [PC-OC \(2008\) 06](#)
 Draft text on lapse of time [PC-OC \(2009\) 06 rev 3](#)
 - 3.3. **Channels and means of communication**
Working documents
 Draft text on channels and means of communication [PC-OC \(2009\) 16](#)
 - 3.4. **Other issues relating to the modernisation of the Convention on extradition**
Working documents
 Proposals of the PC-OC concerning normative measures [PC-OC \(2007\) 06](#)
4. **Follow-up of the 29th Conference of the European Ministers of Justice (18-19 June 2009, Tromsø, Norway)**
Working documents
 Resolution No. 2 on mutual assistance in criminal matters [Resolution No. 2](#)

5. Future activities and priorities of the PC-OC

5.1. Jurisdiction

Working documents

[Excerpt from the explanatory report](#) of the European Convention on the Transfer of Proceedings in Criminal Matters

Article 10 Extract from the Draft Council of Europe Convention on counterfeiting of medical products and similar crimes [Art 10 Extract](#)

Discussion paper prepared by Prof. Henrik Kaspersen on cybercrime and internet jurisdiction [Discussion Paper](#)

Questionnaire of the T-CY on the need for direct transborder access to data and data flows where other measures are not adequate or fail [T-CY \(2009\) 07](#)

5.2. Modernisation of the European Convention on Extradition

6. Practical problems and concrete cases concerning the implementation of conventions

Belgium

...

7. Practical measures: request for standard texts providing information about the Convention on the transfer of sentenced persons in the official languages of States Parties

Working documents

Recommendation No. R (84) 11 of the Committee of Ministers concerning information about the Convention on the transfer of sentenced persons [CM R \(84\) 11](#)

8. Points for information

8.1 *Information provided by The Chair*

8.2 . *Information provided by the Secretariat*

8.3 . *Information provided by the General Secretariat of the Council of the European Union*

9. Election of the Chair and the Vice-Chair of the Committee

Working documents

[Terms of Reference of the PC-OC](#)

Committee of Ministers Resolution on committees and subordinate bodies, their terms of reference and working methods [CM Res\(2005\)47](#)

10. Any other business

11. Dates of the next meeting

APPENDIX III**List of decisions adopted at the 57th meeting of the PC-OC
17-19 November 2009**

The PC-OC decided to:

1. Preparation of normative texts concerning the European Convention on Extradition***a) Rule of speciality***

- adopt a draft text amending Articles 14 and 15 of the European Convention on Extradition and the explanatory report thereto, to be included in a future additional protocol to the Convention, with the exception of paragraph 4 of Article 14;
- instruct the Secretariat to amend this paragraph in the light of the discussions held during the meeting and send the revised text to all delegations for comments;
- invite all delegations to submit their written comments on this new text to the Secretariat by 15 February 2010;
- instruct the PC-OC Mod to examine this revised text and the written comments at its next meeting, amend it as necessary and submit it to the plenary;

b) Lapse of time

- examine a draft text amending Article 10 of the European Convention on Extradition as proposed by the PC-OC Mod at its 8th enlarged meeting;
- instruct the Secretariat to amend this text in the light of the discussions held during the meeting and to draft a preliminary explanatory report to its provisions;
- instruct the PC-OC Mod to examine this revised text and the explanatory report thereto at its next meeting, amend it as necessary and submit it to the plenary;

c) Channels and means of communication

- examine a draft text amending the European Convention on Extradition as regards the channels and means of communication, as well as the extradition request and supporting documents, as proposed by the PC-OC Mod at its 8th enlarged meeting;
- instruct the Secretariat to revise this text in the light of the discussions held during the meeting and to seek comments from the INTERPOL concerning the ways in which it assists communications with respect to extradition;
- instruct the PC-OC Mod to examine this revised text at its next meeting, amend it as necessary and submit it to the plenary;

d) Other issues relating to the modernisation of the Convention

- instruct the Secretariat to prepare a short draft questionnaire on language requirements, to be finalised in the light of comments and complementary questions which will be sent by delegations, and to send it out to all delegations;
- invite all delegations to reply to this questionnaire by 12 April 2010;
- instruct the PC-OC to examine these replies at its next plenary meeting;
- instruct the Secretariat to prepare a working document regarding a possible future consolidation of the Convention and the First and Second Additional Protocols thereto and the different techniques that could be envisaged, the current state of signatures and ratifications of the Protocols, as well as the declarations and reservations made with respect to their provisions, and to discuss this document at its next plenary meeting;

2. Follow-up to the 29th Conference of the Council of Europe Ministers of Justice (18-19 June 2009, Tromsø, Norway)

- take note of Resolution No. 2 on Mutual Assistance in Criminal Matters adopted by Ministers on the occasion of the 29th Conference;
- welcome the support expressed by the Ministers to the work of the PC-OC and their call on

member States to sign and ratify the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;

- in connection with paragraph 15 of the Recommendation, welcome the participation of a member of the Secretariat of the European Judicial Network in its meeting and express its wish for reinforced co-operation between the PC-OC and the EJN;
- take note of the information provided by the Secretariat on developments concerning the project entitled “effective practical tools to facilitate judicial cooperation in criminal matters” and express its support to this project which aims at creating model request forms for mutual assistance to be customised by each member State and thank Germany for its financial contribution to this project;

3. Future activities and priorities of the PC-OC

- have an exchange of views on issues relating to jurisdiction as regards international co-operation in criminal matters, on the basis of information provided by the Secretariat, the explanatory report to the European Convention on the Transfer of Proceedings in Criminal Matters and other working documents;
- take note of the fact that there are ongoing negotiations within the European Union with a view to developing an instrument regarding transfer of proceedings and that the representatives of the EU institutions would keep the PC-OC abreast of developments in this field;
- agree that, while the modernisation of the European Convention on Extradition should remain PC-OC’s priority for the time being, it should undertake work on the specific issues it identified during the meeting;
- invite delegations to provide to the PC-OC practical cases and experiences regarding the application of the Convention on the Transfer of Proceedings or alternatives, with either a positive or negative outcome, in view of the next plenary meeting;

4. Practical problems and concrete cases concerning the implementation of conventions

- discuss a practical difficulty brought to its attention by Belgium relating to the application of Article 21 (Transit) of the European Convention on Extradition and invited the Italian delegation to provide information about this question at its next plenary meeting;
- take note of the information provided by Belgium on an extradition case with Kenya;
- invite the Russian delegation to provide information at its next plenary meeting on developments regarding steps taken to remedy a problem concerning the implementation of the European Convention on Mutual Assistance in Criminal Matters;

5. Practical measures

- request all States Parties to the Convention on the Transfer of Sentenced Persons who have not provided an authoritative translation into their official language(s) of the standard text contained in the Recommendation R (84) 11 of the Committee of Ministers, to send this document to the Secretariat by 1 March 2010;

6. Points for information

- take note of the Information provided by Mr Anders Aagaard, representative of the European Commission, on new instruments in the criminal law field being negotiated within the EU;
- take note of the information provided by the Chair and the Secretariat on a meeting organised by Eurojust on international co-operation in criminal matters with the Russian Federation;

7. Election of the Chair and the Vice-Chair

- re-elect Mr Erik Verbert (Belgium) as Chair and Ms Barbara Göth-Flemmich (Austria) as Vice-Chair for one year;

8. Dates of the next meetings

- agree on the following dates for the next meetings of the PC-OC:
 - o 9th enlarged meeting of the PC-OC Mod: 17-19 March 2010;
 - o 58th meeting of the PC-OC: 4-6 May 2010.

APPENDIX IV**29th COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE**

(Tromsø, Norway, 18 -19 June 2009)

**RESOLUTION No. 2
on mutual assistance in criminal matters**

THE MINISTERS participating in the 29th Council of Europe Conference of the Ministers of Justice (Tromsø, Norway, 18 -19 June 2009),

1. Recalling Resolution No. 5 on the functioning of the Council of Europe Conventions on judicial co-operation in criminal matters adopted in Helsinki (7-8 April 2005);
2. Having regard to the Conclusions adopted at the High Level Conference of the Ministries of Justice and of the Interior in Moscow (9-10 November 2006);
3. Convinced that one of the key roles of the Council of Europe is to assist its member States in strengthening their individual and collective ability to prevent and respond to crime, while respecting human rights;
4. Recognising the value of the existing 31 treaties of the Council of Europe dealing with various aspects of co-operation in criminal matters;
5. Welcoming the close co-operation between the Council of Europe and the European Union based on common standards as embodied in these treaties and the Memorandum of Understanding between the two organisations, and as recently expressed in the Conclusions of the Council of the European Union on supporting the Council of Europe's legislative work in the area of criminal justice (26-27 February 2009);
6. Marking the 50th anniversary of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and welcoming the fact that this Convention has been ratified by all member States of the Council of Europe and by Israel;
7. Bearing in mind that this convention has been of particular relevance in setting up Europe-wide co-operation mechanisms and thus establishing the preconditions for prosecuting different forms of trans-border criminality;
8. Noting that the evolution of criminality towards a growing trans-border phenomenon has led to the need to update the existing instruments and to the adoption of the two additional protocols to the European Convention on Assistance in Criminal Matters in 1978 and 2001;
9. Considering that the 2nd Additional Protocol of 8 November 2001 in particular adapts the European Convention on Mutual Assistance in Criminal Matters to today's needs, by providing for novel channels and means of co-operation, by facilitating assistance and making it quicker and more flexible;
10. Welcoming the steady stream of ratifications of the convention and its additional protocols which attests to the fact that they remain a living document, continuing to be applied on a daily basis and providing a legal basis for effective co-operation between their Parties;

11. Noting with appreciation the work of the European Committee on Crime Problems (CDPC) and its subordinate committees in the adoption and updating of the relevant Council of Europe instruments, as well as in maintaining a continued scrutiny on the effective operation of the conventions on co-operation in criminal matters;
12. Welcoming in particular the recent implementation by the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) of measures to facilitate the practical application of the Council of Europe conventions on co-operation in criminal matters;
13. CALL ON member States:
 - a. if they have not already done so, to sign and ratify the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters as a matter of priority;
 - b. to review their reservations to the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols, with a view to withdrawing them if possible, in order to remove all obstacles to international co-operation;
14. AGREE on the need to further develop practical measures in order to render international co-operation in criminal matters more effective all over Europe;
15. INVITE the Council of Europe to strengthen its activities aimed at developing and enhancing such measures, in particular by intensifying the co-operation between the relevant bodies of the Council of Europe and the European Union, and in particular the PC-OC and the European Judicial Network;
16. INVITE member States to support initiatives in this field and offer their co-operation in order to make them effective.

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