

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

**Bureau Meeting**  
**(CDPC-BU)**

Zagreb, 11-12 April 2013

**Ministry of Finance**  
**Customs Directorate**  
**Alexandera Von Humboldta 4a - Zagreb**

**List of decisions**

The Bureau, meeting in Zagreb on 11 and 12 April 2013 under the Chairmanship of Mr Lorenzo Salazar, decided:

- to express its gratitude to the Croatian Ministry of Finance and to the Croatian Bureau member, Mr Tihomir Kralj, for hosting the meeting in Zagreb;
- to take note of the welcoming remarks of the Director General, Mr Zlatko Grabar, Customs Directorate;

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

- to take note of the information provided by the Secretary to the CDPC, Mr Carlo Chiaromonte, on the state of preparation of the terms of reference of the CoE intergovernmental committees for the years 2014-2015;
- to take note of the decisions of the Committee of Ministers (hereafter CM) at their 1168<sup>th</sup> meeting of 10 April 2013 on the Report by the Secretary General of the CoE: "Review of CoE conventions" and that the CDPC, like all other relevant CoE committees and bodies, will be requested to undertake a certain number of measures relating to the management of the CoE conventions falling within its scope of competence, including the question of reservations;
- to consider a number of proposals that could be dealt with by the CDPC in the next two years and included in its next terms of reference for 2014-2015 to be presented to the CM for adoption, as follows:
  - o to prepare a CDPC document/guidelines containing "Model provisions" clearly defining a certain number of rules to be strictly followed during future negotiations of any possible convention in a criminal law matter with a view to avoiding useless

- long discussions in the ad hoc drafting committees with regard to standard provisions covering issues such as jurisdiction, corporate liability, sanctions and measures, aggravating circumstances, international co-operation;
- to plan a detailed programme of activities to ensure the proper follow-up to the work carried out by the Ad hoc Drafting Group on Transnational Organised Crime (PC-GR-COT) in 2013;
- to ensure the appropriate follow-up to the resolution of the 31<sup>st</sup> Conference of the CoE Ministers of Justice (Vienna, September 2012), notably on juvenile justice and on urban violence, and the (mis)use of new modern telecommunication technologies. In this regard, it takes note of the information provided by the Secretariat concerning the preparation of a compilation of the existing CoE recommendations on juvenile offenders and juvenile justice as well as other legal instruments produced by other organisations (UN, EU), and the possible organisation of a conference on urban violence in 2014 (see item 5);
- to consider possible activities related to the statute of the public prosecutor services in the criminal justice system, in co-operation with the CCPE (see also item 14 b);
- to look at new forms of criminal behaviour that have emerged in the recent past in connection with the illegal use of modern technologies and that have generated new kinds of criminal offences;
- to examine the “old” recommendations adopted by the CDPC over the years in order to assess their capacity to match the current situation.
- to instruct the Secretariat to prepare draft terms of reference for the CDPC containing these proposals to be submitted to the CDPC at its next plenary;

#### 4. Trafficking in organs

- to take note of the final version of the draft Convention against trafficking in human organs as finalised by the Secretariat following the CoE editing and legal services' comments on the text of the draft Convention as approved by the CDPC in December 2012;
- with regard to the draft explanatory report (ER), to:
  - take note of the information provided by the Secretariat with regard to the written procedure followed, according to the instructions received by the CDPC plenary, in order to request that CDPC delegations send their written comments;
  - examine and agree upon the consolidated version prepared by the Secretariat, with the assistance of Mr Hans-Holger Herrnfeld in his capacity as Chair of the PC-TO;
  - instruct the Secretariat to resend the final version of the new consolidated draft ER as approved by the Bureau to all CDPC delegations with a deadline of 2 weeks for final approval by a written procedure.
- to instruct the Secretariat to send to the CM – following the expiration of the deadline for the approval by written procedure of the ER - the draft Convention for adoption together with the draft ER for information;
- to adopt the draft opinion of the CDPC on PACE recommendation 2009 (2013) and to submit it to the Committee of Ministers;

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

- to take note of the information provided by the Secretariat on the follow-up to the 31<sup>st</sup> Conference of the CoE Ministers of Justice (see item 3 above);
- to discuss the concept paper prepared by the Secretariat on a possible international conference on the subject of “Urban violence” and welcome the organisation of this conference in 2014;

#### 6. Dangerous offenders

- to take note of the information provided by the chair of the ad hoc drafting group on

Dangerous Offenders (PC-GR-DD), Mr Slawomir Buczma, with the regard to the 1<sup>st</sup> meeting of the PC-GR-DD and on the progress made in the drafting exercise of the future recommendation on dangerous offenders and thank him for the excellent work accomplished;

- to welcome the first preliminary draft recommendation on dangerous offenders, in particular taking into consideration the short time frame within which the PC-GR-DD has prepared it;
- to examine the first preliminary draft recommendation and make general comments;
- to instruct the secretariat:
  - o to prepare a short note containing the Bureau's comments on the preliminary draft recommendation;
  - o to send these comments to the members of the PC-GR-DD who should take them into account at their 2nd meeting.

## **7. Council for Penological Co-operation (PC-CP)**

- to take note of the list of decisions and the meeting report of the PC-CP plenary;
- to take due account of the low attendance of the plenary meetings of the PC-CP;
- to have an exchange of views on whether holding a plenary meeting in which a very small number of member states are represented is still a useful exercise and beneficial to the CDPC's activities;
- to submit a proposal to the CDPC plenary that plenary meetings of the PC-CP are no longer held on a yearly basis (as it is currently the case) but only upon request by the CDPC (in principle, a PC-CP plenary could take place once every 2 years), in particular provided that:
  - o there are sound reasons for the PC-CP to draft an important legal instrument;
  - o the topic of this legal instrument is clearly within the competence of themes normally dealt with by the PC-CP;
  - o this "ad hoc PC-CP plenary" will be included in the terms of reference of the CDPC for the coming years.

### **a. Follow-up to the conclusions adopted at the 17<sup>th</sup> Council of Europe Conference of Directors of Prison Administration (CDAP)**

- to consider that:
  - o prison overcrowding should remain a priority issue;
  - o there is a need to continue and enlarge the dialogue and co-operation between the prison/probation services and the judiciary in order to improve the sanctioning and execution policies within the penal framework with a view to exploring possible new ways to decrease the overcrowding in prisons.

### **b. Electronic monitoring**

- to examine the preliminary draft recommendation and draft commentary which were examined and revised by the PC-CP plenary;
- given the fact that these 2 texts were submitted to the Bureau at a very late stage, to discuss them at the next CDPC meeting and request all CDPC delegations to provide concrete comments on them;
- to take note:
  - o of the joint discussion on transborder issues related to electronic monitoring held by the PC-CP and the PC-OC;
  - o that the outcome of the discussion confirmed that there are so far in Europe no bilateral agreements or special regulations regarding transborder tracking of suspects or offenders under electronic monitoring or regarding sharing of data in relation to this particular issue and that the two committees decided that it is premature to deal with this matter.
- to instruct the Secretariat to ensure that this subject remains on the agenda of the future work of the PC-OC as the Bureau considers it an important issue that should be dealt with;

**c. Violence in juvenile detention centres**

- to take note of the note “Violence involving juveniles in conflict with the law”;
- to instruct the Secretariat to inform the PC-CP that in their possible future work on this issue, they should limit their activities to violence involving juveniles only in closed settings and not “in society” as indicated in the summary meeting report of the PC-CP (point 18) and in the note on point VI of the PC-CP meeting agenda;
- to submit this item to the next plenary of the CDPC for discussion and a decision;

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

- to take note of the outcome of the exchange of views that it had with the Chair of the GRECO, Mr Marin Mrčela, on the position of the two bodies on the issues related to match-fixing;

**a. Possible Council of Europe Convention against Manipulation of Sports Results and notably Match-fixing**

- to hold a discussion on the role of the CDPC in respect of the drafting process of the possible future convention being prepared by the EPAS;
- to request the EPAS Secretariat to provide, as quickly as possible, the CDPC with a clean and clear consolidated text of the draft convention (in particular as far as the criminal law provisions are concerned);
- to instruct the CDPC Secretariat to:
  - o prepare, on the basis of the text received by the EPAS, a CDPC document presenting new revised provisions on the criminal law aspects drafted in accordance with the discussions held during the Bureau meeting and also take account of the position already previously expressed by the CDPC both at its last plenary and in the conclusions of the feasibility study of the CDPC of February 2012 [CDPC (2012)1];
  - o send this document on criminal law provisions to be included in the draft convention to the Bureau of the GRECO, as agreed with its Chair, in view to its consideration at the next Bureau meeting;
  - o to send this document to all CDPC delegations (at least one month before the plenary) asking them for comments.
- to discuss these new criminal law provisions at the next CDPC plenary;
- after the plenary, as a follow-up to the exchange of letters between the chair of the CDPC, Mr Lorenzo Salazar, and the chair of the Governing Board of EPAS, Ms Ewa Markowicz, from 9 October and 9 November 2012 respectively and after having recalled the CDPC’s position, which has already been expressed, according to which there should only be a limited number of criminal law provisions in the draft convention, to send the agreed text on the criminal law provisions to the EPAS with a letter co-signed by the chairs of CDPC and GRECO indicating that these proposals should be taken into account by the EPAS during their future negotiations on the possible future convention on match-fixing;
- to agree that this procedural approach is totally in conformity with the excellent spirit of collaboration between the EPAS and the CDPC as also shown by the exchange of letters between the two chairs;

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

- to examine the document prepared by the Secretariat that summarises the replies received by delegations from the CDPC and/or the GRECO to the questionnaire concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173);
- to take note of the fact that the conclusions of this document state that “in the majority of countries that replied (...) corrupt practices in the non-profit sector are covered by existing

- legislation”;
- to submit this document to the CDPC for consideration at its next plenary;

**9. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)**

- to take note of the list of decisions adopted by the PC-OC Mod during their 15<sup>th</sup> meeting (6 to 8 March 2013) and of the information provided by the Secretariat on that meeting;

**10. Activities related to transnational organised crime**

- to take note of the information provided by the Secretariat and by Mr Tihomir Kralj (representative to the PC-GR-COT) on the planned activities related to transnational organised crime and in particular that the ad hoc drafting Group on Transnational Organised Crime (PC-GR-COT) will hold its 1<sup>st</sup> meeting on 24-26 June;
- to instruct the Secretariat to check the possibility of organising the meeting in Paris to facilitate the participation of more delegations in this ad hoc drafting Group;
- to invite Eurojust and Europol to take part at this meeting;

**11. Follow-up to the decision adopted by the Plenary on activities related to piracy**

- to discuss any possible follow-up/future activities in this field at its forthcoming plenary meeting;

**12. Alternative measures to imprisonment**

- to discuss any possible follow-up/future activities in this field at its forthcoming plenary meeting;

**13. Information provided by the Secretariat**

- to take note of the information provided by the Secretariat on the following sub-items below:

**a. Medicrime**

- to take note of the CoE strategy jointly drafted by DGI and the EDQM with a view to promoting the MEDICRIME convention;
- in the framework of the above strategy, to take note of a series of regional conferences to be organised in 2013; the 1<sup>st</sup> regional conference will take place in Kyiv on 11-12 June 2013 and the 2<sup>nd</sup> in Spain (tbc);

**b. Review of Council of Europe Conventions**

(see item 3)

**c. Terrorism**

- to take note of the forthcoming international conference on “The Use of Special Investigation Techniques to Combat Terrorism and other Forms of Serious Crime” to be organised in Strasbourg on 14-15 May 2013;

**d. Co-operation activities in the criminal field**

**14. Any other business**

**a. Opinion on the draft Declaration of the Committee of Ministers on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies**

- to take note of and examine the draft Declaration of the Committee of Ministers on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies;
- to propose the tacit approval by the CDPC delegations by written procedure to reply to the request of the CM to prepare an opinion on the draft declaration by agreeing that the CDPC should not express any particular opinion on this text at this stage and that it wishes to continue be informed on practical aspects and the follow-up given to this declaration;

**b. Consultative Council of European Prosecutors (CCPE)**

- to take note that the Consultative Council of European Prosecutors (CCPE) is considering a possible assessment of Recommendation (2000)19 on the role of public prosecution in the criminal justice system (adopted in October 2000);
- to invite the chair of the CCPE to the next CDPC plenary to discuss future co-operation between the two bodies;

**15. Date of the next meeting**

- to hold the next Bureau meeting on 30 September – 1 October 2013 in Copenhagen.