

**PC-OC 50th meeting
Conference on**

**THE FUTURE OF JUDICIAL CO-OPERATION
European Conventions and the fight against Criminality**

**27 June 2005, Council of Europe, Room 5
Strasbourg, France**

CONCLUSIONS

1. On the occasion of the 50th meeting of the Committee of Experts on the Operation of the European Conventions in the Penal Field, PC-OC, a Conference on “the future of judicial co-operation, European Conventions and the fight against criminality” was held in Strasbourg on 27 June 2005.
2. The members of the Committee welcomed this opportunity to reflect on the role of judicial co-operation in the fight against criminality and in that perspective, to define the priority areas for future work.
3. The role of the PC-OC in developing normative instruments (Conventions and recommendations) to strengthen co-operation in the criminal field was recognised and appreciated.
4. The participants also underlined the contribution of the PC-OC in promoting the effectiveness of these instruments, notably by:
 - a. monitoring their application and providing a unique forum for the discussion of any difficulty resulting therefrom,
 - b. elaborating information tools (publications, web site) and encouraging networking with a view to easing the work of the national authorities in charge of implementing these Conventions.
5. Through its regular discussions on problems arising between parties from the application of Conventions, the Committee also contributed to the early resolution of potential disputes.
6. As to its future work, the Council of Europe must decide on the most appropriate way to modernise its instruments on judicial co-operation in the criminal field, taking into account:
 - a. the Final Declaration of the Warsaw Summit of the Council of Europe’s Heads of State (16-17 May 2006), as well as the Action Plan adopted at the Summit;
 - b. the Resolutions adopted by the European Ministers of Justice at their 26th Conference in Helsinki (7-8 April 2005), in particular the 5th Resolution on the effective implementation of co-operation mechanisms provided for by the Council of Europe conventions in criminal matters;

- c. the request to the PC-OC by the Bureau of the European Committee on Crime Problems (CDPC), pursuant to the 5th Resolution noted above, to consider, in particular, the question of the dispute settlement mechanisms foreseen in the Council of Europe conventions;
 - d. the instruments adopted by the European Union in the field of judicial cooperation and mutual recognition of judicial decisions.
7. It will, to this end, pursue its co-operation with the European Union, according to the Guidelines on the relations between the Council of Europe and the European Union, adopted at the 3rd Summit.
 8. The participants appreciated the presence and the participation of the Observer States to the Committee, in particular the USA, Israel and Japan.
 9. The PC-OC will pursue its role in reviewing the operation of the Conventions dealing with judicial co-operation in criminal matters with a view to facilitating their practical implementation. It should consider proposals to modernise these Conventions, where necessary.
 10. The participants thus concluded that the Committee should envisage, as a priority, the following concrete actions:
 - a. review the existing mechanisms of settlement of disputes arising from the application of the Council of Europe Conventions and make suggestions for improving them, where necessary;
 - b. increase the effectiveness of judicial co-operation, notably by
 - increasing the speed of replies to States' requests for assistance
 - reconsidering the question of extradition of a States' own nationals,
 - reconsidering the necessity of the condition of double criminality in assistance procedures;
 - c. improve the application of some particular provisions of the Conventions, and notably:
 - consider the possibility of the application of the European Convention on the transfer of sentenced persons (ETS 112) to mentally ill persons
 - the application of European Convention on Mutual Assistance in Criminal Matters (ETS 030) for collecting DNA samples;
 - d. identify the best ways to improve judicial co-operation in fighting counterfeiting as well as trafficking in cultural goods;
 - e. establish ways and criteria to solve problems of conflict of jurisdictions, where more than one State is competent to prosecute and try a criminal act;
 - f. consider the questions and facilitate the solution of problems encountered in the application of the Protocol to the transfer Convention (ETS 167);
 - g. increase its efforts to ensure consistency in the normative acts of the Council of Europe in the field of judicial co-operation and their visibility.
 11. The participants expressed their gratitude to all those, PC-OC members, rapporteurs, representatives of the European Union and of the European Judicial Network and the Secretariat, who contributed to the success of the Conference.
