

Strasbourg, 30 April 2008

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS
PC-OC

List of decisions taken at the 54th plenary meeting
28-30 April 2008

The PC-OC decided to:

1. Preparation of normative texts concerning the European Convention on Extradition

a) Simplified extradition

- examine the draft 3rd Additional Protocol to the European Convention on Extradition (PC-OC (2008) 05 Rev), concentrating on the following key issues:
 - o the scope of the 3rd Additional Protocol (limitation or not to simplified extradition);
 - o the two variants for the use of simplified extradition procedures (Article 2) and the possibility of making a reservation under Article 2, paragraph 1;
 - o time limits for the revocation of consent and of renunciation to the entitlement to the rule of speciality (Article 5, paragraph 5);
 - o time limits for the notification of consent and of the decision of the requested State on granting simplified extradition (Articles 7 and 7bis),
 - o deadlines for surrender (Article 9);
 - o reservations to be envisaged to the provisions of the Protocol;
- give guidance to the PC-OC Mod concerning these issues;
- instruct the Secretariat to send the draft 3rd Protocol as amended by the plenary to all delegations and invite them to send their comments on the amended draft to the Secretariat by 1 September 2008;
- instruct the PC-OC Mod to finalise the draft text at its next meeting in the light of the discussions held at the present meeting and of these comments, and to submit the amended Protocol to the approval of the PC-OC at its 55th plenary meeting;
- instruct the Secretariat to begin the preparation of the draft explanatory report of the 3rd Additional Protocol;

b) Compensation of persons

- extend the deadline for replies to the questionnaire PC-OC (2007) 10 rev until 1 June 2008;
- request all delegations who have not done so to send their replies to the Secretariat by this new date;
- instruct the PC-OC Mod to pursue the examination of this item;

c) Rule of speciality

- take note of the replies to the questionnaire PC-OC (2008) 01 rev, the summary of replies prepared by the Secretariat (PC-OC (2008) 12) and practical problems brought to its attention by some of its members;
- having identified issues of particular concern relating to the rule of speciality, proceed with the examination of this item on the basis of a future written proposal for a binding instrument;
- thank Mr Branislav Boháčik (Slovakia) and Mr Per Hedvall (Sweden) for volunteering to submit such a draft text before the next PC-OC Mod meeting;
- instruct the PC-OC Mod to examine this text at its next meeting and to make concrete proposals to the plenary;

d) Lapse of time

- having examined the issue of lapse of time on the basis of a background information document prepared by the Secretariat (PC-OC (2008) 06) and of the discussions which took place at the 5th PC-OC Mod meeting, proceed with the examination of this point on the basis of a concrete draft text;
- welcome a proposal by Mr Vladimir P. Zimin (Russian Federation) for such a draft text and invite him to submit this draft text to the Secretariat in writing;
- instruct the PC-OC Mod to elaborate draft provisions for a binding instrument on the basis of this text;

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

- have an exchange of views concerning a practical problem raised by Belgium relating to the implementation of the European Convention on Mutual Assistance in Criminal Matters;
- welcome information provided by the Russian delegation pointing at developments which could lead to the resolution of this problem in the future and three approaches which could allow for the continuation of co-operation in the meantime;

3. Follow-up of the 28th Conference of the European Ministers of Justice (25-26 October 2007, Lanzarote): the relationship between asylum procedures and extradition procedures

- examine a draft questionnaire on the relationship between asylum procedures and extradition procedures prepared by the Swiss and Slovak delegations (PC-OC (2008) 13) and adopt it with amendments;
- instruct the Secretariat to send this questionnaire to all delegations for replies;
- request all delegations to send their replies to the Secretariat before 1 September 2008, in order to allow for the examination of these replies by the PC-OC Mod at its next meeting;

4. Opinion of the Consultative Council of European Prosecutors (CCPE) on "Ways of improving international co-operation in the criminal justice field"

- take note of the Opinion of the Consultative Council of European Prosecutors;

5. Composition of the PC-OC Mod

- considering the risk of disruption of its work on simplified extradition, agree not to change the current composition of the Group until the 55th meeting of the PC-OC, while maintaining the possibility for member States which are not members of the Group to contribute to its work, by participating in its meetings or through written contributions;

6. Information concerning the implementation of practical measures

- take note of the information provided by the Secretariat on the current state of implementation of practical measures (list of single points of contact and database on national procedures regarding extradition and mutual legal assistance);
- call on the members of the PC-OC to complete information concerning their country, if they have not already done so, and instruct the Secretariat to send reminders to that effect;

7. Other issues

- take note of information on the 3rd meeting of the Cybercrime Convention Committee (T-CY, 3-4 April 2008) provided by the Secretariat and Mr Branislav Boháčik (Slovakia), representative of the CDPC to the T-CY;
- take note of an initiative by the Treaty Office of the Council of Europe to make available translations into non-official languages of Council of Europe's Conventions and invite delegations to send to the Secretariat, where available, official translations into their national languages of the relevant conventions;

8. Dates of the next meetings

- agree on the following dates for the next meetings of the PC-OC:
 - o 6th enlarged meeting of the restricted Group of Experts (PC-OC Mod): 30 September – 2 October 2008;
 - o 55th meeting of the PC-OC: 4-7 November 2008.