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List of decisions taken 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 EJM;
- 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.