



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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PC-OC (2010) 21

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

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

List of decisions taken at the 59th meeting of the PC-OC

3 - 5 November 2010

The PC-OC decided to:

1. Draft Fourth Additional Protocol to the European Convention on Extradition and the draft explanatory report thereto

- examine and amend the draft Fourth Additional Protocol to the European Convention on Extradition (PC-OC (2010) 13 rev);
- as regards Article 3, paragraph 4 of the Fourth Additional Protocol, to reflect in a footnote in the final text to be submitted to the CDPC the position of two delegations requesting the inclusion of the possibility of making a declaration excluding the use of this paragraph, as well as the view of the majority of PC-OC delegations that there was no need for such a declaration, given the optional nature of this provision;
- as regards the possibility of consolidating the additional protocols to the European Convention on Extradition, agree that such a consolidation with the Fourth Additional Protocol was not desirable due to practical reasons, and notably the fact that it may delay ratifications of the Fourth Additional Protocol;
- instruct the Secretariat to consult the Legal Advice Department and Treaty Office of the Council of Europe concerning the following questions relating to the Fourth Additional Protocol:
 - o the possibility of inserting new articles directly into the European Convention on Extradition (Articles 6, 14 and 15 of the draft Fourth Additional Protocol);
 - o the compatibility with the treaty practice of the Council of Europe of introducing an obligation to periodically review all reservations made to the European Convention on Extradition and the additional protocols thereto;
- instruct the Secretariat to revise and complete the draft explanatory report to the draft protocol in the light of its discussions;
- instruct the PC-OC Mod to examine, revise and submit to the plenary:
 - o the final clauses of the draft protocol in the light of the replies of the Legal Advice Department and Treaty Office;
 - o the draft explanatory report to the protocol;

2. Practical measures

- hold a preliminary discussion on possible ways in which the PC-OC could allow practitioners who are not members of the PC-OC to submit questions and practical problems to the Committee through appropriate channels and to receive feedback from the latter;
- instruct the Secretariat, in collaboration with the members of the PC-OC Mod, to draw up a document containing possible ways forward and recommendations to the PC-OC and its members with a view to implementing such a mechanism;
- take note of the presentation by the Secretariat of the new website and collaborative space of the PC-OC;

3. Jurisdiction

- continue its discussions on the issue of jurisdiction as regards international co-operation in criminal matters on the basis of concrete examples submitted by its delegations;
- instruct the Secretariat, in collaboration with Mr Erik Verbert (Belgium), to draw up a draft questionnaire in the light of these discussions;
- instruct the PC-OC Mod to examine and amend the draft questionnaire as necessary and submit it to the plenary for approval;

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

- discuss two practical cases relating to the transfer of sentenced persons brought to its attention by the Czech Republic and Germany;
- consider, in a future meeting, updating the standard text providing information on the Convention on the transfer of sentenced persons and drawing up an additional text as regards information on the Additional Protocol to the Convention;
- take note of the information provided by the Secretariat on the ongoing work within the Criminal Law Division on the sentencing, management and treatment of dangerous offenders, and to instruct the Secretariat to keep it informed of further developments;

5. Rights of victims in the context of international co-operation in criminal matters

- take note of a report on the standing of victims in criminal proceedings, prepared for the CDPC by Mr Branislav Boháčik;
- as regards the request of the CDPC Bureau for the PC-OC to take position concerning the recommendations on international co-operation contained in the report, hold a preliminary discussion on this issue;
- instruct the Secretariat to inform the CDPC of the outcome of this discussion, and notably the view of the PC-OC that, if the CDPC decides to conduct work in this field in the future, such work should include an international co-operation component;

6. Points for information

- take note of the information provided by:
 - o the Secretariat on relevant recent developments within the Council of Europe;
 - o Ms Anna Lipska, representative of the General Secretariat of the Council of the European Union, on developments in the criminal law field within the EU;
 - o Ms Lina Monten, representative of the General Secretariat of INTERPOL, on recent developments concerning INTERPOL's work on the status of red notices, and invite INTERPOL to provide to the PC-OC the recommendations of the working group dealing with this issue;
 - o Ms Astrid Offner (Switzerland) on recent changes to the Swiss code of criminal procedure, as well as on the adoption of a federal law on the co-ordination of asylum and extradition procedures;

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

- elect Mr Per HEDVALL (Sweden) as Chair and Mr Erik VERBERT (Belgium) as Vice-Chair for one year;

8. Composition of the PC-OC Mod

- renew the composition of the PC-OC Mod as follows:
 - o members:
 - Ms Selma DE GROOT (Netherlands)
 - Mr Stéphane DUPRAZ (France)
 - Ms Mme Barbara GOETH-FLEMMICH (Austria)
 - Mr Per HEDVALL (Sweden)
 - Mr Erwin JENNI (Switzerland)
 - Mr Miroslav KUBÍČEK (Czech Republic)
 - Mr Eugenio SELVAGGI (Italy)
 - Mr Erik VERBERT (Belgium)
 - Mr Vladimir P. ZIMIN (Russian Federation)
 - o substitute members:
 - Ms Eleni LOIZIDOU (Cyprus)
 - Ms Selma STEHL (Germany)

9. Other business

- take note of a proposal made by Mr Vladimir Zimin (Russian Federation) to modernise Articles 1, 2 and 3 of the European Convention on Extradition;
- to instruct the PC-OC Mod to examine this proposal in detail at its next meeting and to report to the PC-OC plenary;

10. Dates of the next meetings

- agree on the following dates for the next meetings of the PC-OC:
 - o 11th enlarged meeting of the PC-OC Mod: 16-18 March 2011;
 - o 60th meeting of the PC-OC: 17-19 May 2011;
 - o 12th enlarged meeting of the PC-OC Mod: [12-14 October 2011] (provisional);
 - o 61st meeting of the PC-OC: 22-24 November 2011 (provisional).

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