

Strasbourg, 20 March 2008

pc-oc mod/pc-oc mod (2008) 02

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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 5th meeting of the restricted Group of experts on international co-operation (PC-OC Mod) enlarged to all PC-OC members
17-20 March 2008**

The PC-OC Mod decided to:

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

a) Simplified extradition

- considering the progress achieved by the Group, instruct the Secretariat to revise the draft 3rd Additional Protocol to the European Convention on Extradition in the light of the discussions held during the meeting of the Group and send this document to all PC-OC members as soon as possible;
- request all delegations to submit to the Secretariat written comments on the revised draft by 11 April 2008;
- invite the PC-OC plenary to examine the revised draft, in the light of these written comments, and focusing on the most problematic articles, which will be highlighted in a letter to be sent by the Chair to all PC-OC members;

b) Compensation of persons

- having taken note of the replies by 16 States to the questionnaire PC-OC (2007) 10 rev, request all delegations, who have not already done so, to reply to the questionnaire by 10 April 2008;
- invite the PC-OC plenary to consider these replies, as well as a summary of replies to be prepared by the Secretariat, taking into account the view expressed in the Group that this issue is less urgent than other matters relating to the modernisation of the European Convention on Extradition, such as simplified extradition, the rule of speciality or lapse of time;

c) Rule of speciality

- consider this issue as a major priority to be dealt with as quickly as possible;
- having taken note of the replies by 23 States to the questionnaire PC-OC (2008) 01 rev, request all delegations, who have not already done so, to reply to the questionnaire by 10 April 2008;

- considering practical problems relating to the rule of speciality brought to its attention by some of its members, requested the PC-OC members to submit a summary of such cases to the PC-OC plenary;
- invite the PC-OC plenary to discuss this question in the light of the replies to the questionnaire, the summary of replies to be prepared by the Secretariat and the practical cases mentioned above, with a view to identifying particular problems relating to the rule of speciality and finding solutions to be reflected in a binding or non-binding instrument;

d) Lapse of time

- take note of the background information document prepared by the Secretariat;
- considering that the opinions expressed within the Group were divided, invite the PC-OC plenary to discuss this issue further in the light of the Group's discussions, which will be recorded in detail in the meeting report;

2. 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

- in order to respond to the instruction of the CDPC to take stock of the situation in member States, request PC-OC members to submit to the Secretariat questions on this issue that they consider to be of relevance;
- instruct the Secretariat to draft a questionnaire on the basis of these questions;
- invite the PC-OC plenary to examine this draft questionnaire, to adopt it and to instruct the Secretariat to send it to all delegations for replies;

3. 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 and to present it to the PC-OC plenary;

4. 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);
- instruct the Secretariat to think of further ways of improving the exchange of information;
- 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;

5. Composition of the PC-OC Mod

- considering the risk of disruption of its work on simplified extradition, propose to the plenary not to change the current composition of the Group until the 55th plenary 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. Dates of the next meeting

- take note of the following provisional dates proposed by the Secretariat for the meetings of the PC-OC in 2008:
 - o 6th enlarged meeting of the restricted Group of Experts: 30 September – 2 October 2008;
 - o 55th meeting of the PC-OC: 4-7 November 2008.