



Strasbourg, 27 February 2009
[PC-OC/GM/docs/PC-OC Mod (2009) 02]

PC-OC Mod (2009) 02

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 7th meeting of the restricted Group of experts on international co-operation (PC-OC Mod) enlarged to all PC-OC members
25 – 27 February 2009**

The PC-OC Mod decided to:

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

a) Simplified extradition

- amend the revised draft Explanatory Report to the 3rd Additional Protocol to the European Convention on Extradition;
- with respect to paragraph 19 of the draft Explanatory Report, agree to finalise the draft text by e-mail before 20 March 2009;
- recommend to the PC-OC plenary to adopt these amendments, to examine the revised document, to adopt it and to submit it to the CDPC;

b) Rule of speciality

- examine a draft text amending Article 14 of the European Convention on Extradition, based on proposals submitted by Mr Branislav Boháčik (Slovakia), Mr Eugenio Selvaggi and Mr Per Hedvall (Sweden);
- instruct the Secretariat to amend this text on the basis of the discussions held during the meeting and invite the members present to agree on the revised text by e-mail before 20 March 2009;
- invite the PC-OC to examine this revised text at its next plenary meeting;

c) Lapse of time

- discuss the issue of lapse of time on the basis of a draft text based on a concrete proposal submitted by Mr Vladimir Zimin (Russian Federation) and on Article 8 of the Convention relating to extradition between the Member States of the European Union;
- take note of the fact that there was a great divergence of views on this issue and instruct the Secretariat to prepare a document summarising the different points of view presented during the meeting, accompanied by concrete drafting proposals based on these views;

- instruct the Secretariat to send this document to all delegations, and invite the latter to send their comments on the different proposals by 13 April 2009;
- invite the PC-OC plenary to examine the amended text in the light of comments made by delegations;

d) Ways and means of communication

- examine a concrete proposal submitted by Mr Vladimir Zimin (Russian Federation) on ways and means of communication and comments submitted by three delegations on this proposal;
- take note of the fact that there was a clear division within the PC-OC Mod as regards the added value of and the need for a possible modification of Article 12, most notably with respect to the proposal regarding competent authorities, considering, in particular, Article 5 of the 2nd Additional Protocol to the Convention;
- welcome a proposal by Mr Vladimir Zimin to redraft his proposal in the light of its discussions;
- invite the plenary to examine this revised proposal and to provide further guidance to the PC-OC Mod as to how to deal with this item;

2. Mutual legal assistance in computer-related cases

- examine the replies to the PC-OC questionnaire on mutual legal assistance in computer-related cases (PC-OC (2008) 08 Rev), as well as a summary of replies prepared by the Secretariat (PC-OC (2009) 05);
- take note of the information provided by Mr Alexander Seger, Head of Economic Crime Division (Directorate of Co-operation), on a draft report on the functioning of 24/7 points of contact for cybercrime, as well as the difficulties encountered in relation to the interpretation of Article 32 b of the Convention on Cybercrime;
- instruct the Secretariat to transmit the documents discussed during the meeting to the T-CY;
- invite the T-CY to consider the good practices highlighted in the replies to its questionnaire;

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

- take note of the replies to the questionnaire on the relationship between asylum procedures and extradition procedures (PC-OC (2008) 18 Rev 3).and a summary of replies prepared by the Secretariat (PC-OC (2009) 04);
- invite the delegations, who have not already done so, to reply to this questionnaire by 13 April 2009;
- invite the delegations to submit to the Secretariat examples of concrete problems they have faced in this field before the next plenary meeting;
- invite the PC-OC plenary to examine these replies and provide further guidance to the PC-OC Mod on this item;

4. Other issues

- take note of a letter sent by the Institute for International Research on Criminal Policy, Ghent University, requesting PC-OC's assistance for a research project concerning the international execution of sentences;
- invite the Chair to forward this letter to all delegations of the PC-OC, inviting them to co-operate with the Institute on a voluntary basis;
- invite the Institute to inform the PC-OC of future results of its work.

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