



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 23 March 2012
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<http://www.coe.int/tcj/>

PC-OC Mod (2012) 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 13th meeting of the restricted Group of experts
on international co-operation (PC-OC Mod) enlarged to all PC-OC members
22-23 March 2012**

The PC-OC Mod decided to:

1. Elaboration of draft practical guidelines as a follow-up to the replies to the questionnaire on jurisdiction and transfer of proceedings

discuss the outline for draft guidelines prepared by the Secretariat (Document PC-OC Mod (2012) 01, and

- instruct the Secretariat to amend this draft outline on the basis of the discussions held and to present this draft for consideration and further guidance to the PC-OC plenary;
- ask Mr Erik Verbert (Belgium) to update the standard model request form on transfer of proceedings (prepared in the context of the Project on the development of effective practical tools to facilitate judicial co-operation in criminal matters and present it to the PC-OC plenary for consideration.

2. Presentation and content of the PC-OC website

a. Relevant case law of the ECtHR

consider the revised draft list as proposed by Mr Miroslav Kubicek (Czech Republic), thank him for the excellent work accomplished, and

- make a proposal to the PC-OC plenary that it endorses the approach adopted in this list;
- ask Mr Kubicek to coordinate the update and finalisation of the list with contributions to be made by Ms Barbara Goeth-Flemmich (Austria), Mr Erik Verbert (Belgium) and Mr Stéphane Dupraz (France) for consideration by the PC-OC plenary;
- make a proposal to the PC-OC plenary that it asks the Secretariat to publish section A of the list on the PC-OC website, pending finalisation of the remaining sections;
- ask the Secretariat to inquire about the budgetary feasibility of having the list translated into French.

b. Updated list of useful links

take note of the list of links proposed as updated by the Secretariat, noting that some issues will require further discussion at the PC-OC plenary.

3. Possible ways of allowing practitioners to submit questions to the PC-OC

a. Finalisation of the information sheet on the PC-OC

- agree, with minor amendments, on the text proposed in this respect and submit the amended text of the information sheet, contained in Document PC-OC (2011) 08 rev 3, for adoption by the PC-OC plenary.

b. Proposals for its publication and dissemination

- take note of the Secretariat proposals to have the information leaflet published on the PC-OC website, printed as a small coloured pamphlet and distributed by the members of the PC-OC to practitioners in their home country and submit this proposal for consideration to the PC-OC plenary;
- make a proposal that the plenary considers the possibility that delegations translate the leaflet into their national language, indicating national contact points for practitioners in their countries.

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

a. Consideration of the replies received to the questionnaire on legal and technical aspects of video conferences and proposal for follow-up

take note of the replies to the questionnaire contained in Document PC-OC (2012) 01 bil Restricted, and

- ask the Secretariat to send a reminder to states that have not yet replied;
- make a proposal to the plenary that it agrees to the publication of the replies on the website of the PC-OC.

b. Preparation of discussion paper/questions on the relationship between extradition and expulsion

discuss the questions as proposed in Document PC-OC Mod (2012) Misc 02 and

- ask the Chair in co-operation with the vice-Chair and the Secretariat to finalise the questions and forward them to the plenary as a basis for further discussion on this topic.

c. Consideration of a draft note on discussions held on “dual criminality in abstracto or in concreto”

discuss the draft note contained in document PC-OC (2012) 02 prepared by the Secretariat, and

- submit this note to the plenary in view of its adoption and publication on the website of the PC-OC.

d. Finalisation of a draft questionnaire on “in absentia cases” in connection with Article 3 of the Second Additional Protocol to the European Convention on Extradition.

discuss the draft questionnaire on the basis of the proposals by Mr Miroslav Kubicek and

- finalise the draft questionnaire by written procedure;
- submit the draft questionnaire for consideration to the plenary, with a proposal to consider the draft questionnaire proposed by the German delegation separately

5. Any other business

take note of the proposal of the Czech Republic to discuss at the plenary the issue of bilateral treaties with the Bailiwick of Guernsey, the Isle of Man and the Bailiwick of Jersey on exchange of information relating to tax matters between Parties to the European Convention on Mutual Assistance in Criminal Matters.

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