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EUROPEAN COMMITTEE ON CRIME PROBLEMS

(CDPC)

COMMITTEE OF EXPERTS

ON THE OPERATION OF EUROPEAN CONVENTIONS

ON CO-OPERATION IN CRIMINAL MATTERS

(PC-OC)

Model provision on international cooperation in criminal matters

Article 13 – International co-operation

- 1 The Parties shall co-operate with each other, in accordance with the provisions of this Convention and in pursuance of relevant applicable international and regional instruments and arrangements agreed on the basis of uniform or reciprocal legislation and their domestic law, to the widest extent possible, for the purpose of investigations or proceedings concerning the offences established in accordance with this Convention, including seizure and confiscation.

- 2 If a Party that makes extradition or mutual legal assistance in criminal matters conditional on the existence of a treaty receives a request for extradition or legal assistance in criminal matters from a Party with which it has no such a treaty, it may, acting in full compliance with its obligations under international law and subject to the conditions provided for by the domestic law of the requested Party, consider this Convention as the legal basis for extradition or mutual legal assistance in criminal matters in respect of the offences established in accordance with this Convention.

CoE criminal law conventions typically include an article on international cooperation. Except in the specific case of the Budapest Convention (CETS No. 185), these conventions don't contain any specific rules on mutual legal assistance or extradition but refer – instead – to any relevant other convention or treaty applicable between the parties concerned (paragraph 1 of this model text). In particular, Parties may consider, where possible, applying Articles 16 and 18 of the UNTOC Convention to request judicial cooperation in case of crimes that are subject to the present convention.

In addition, conventions typically foresee a provision allowing Parties to consider the present Convention as legal basis for extradition or mutual legal assistance (paragraph 2).

Negotiators are considered to follow the example of the text contained in this Article unless the specific subject matter of the convention requires specific additional rules on cross-border judicial cooperation.