

Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2014 until 31 December 2015**

Main tasks

Under the supervision of the European Committee on Crime Problems (CDPC), the Committee is instructed to:

- (i) monitor and evaluate the operation of the conventions⁹ on international co-operation in criminal matters with a view to facilitating their practical implementation;
- (ii) discuss practical difficulties encountered by States Parties concerning the European conventions on international co-operation in criminal matters and express non-binding opinions concerning the implementation of the provisions of these Conventions;
- (iii) consider various steps and initiatives to improve the efficiency of international co-operation in criminal matters, including in particular to improve practical co-operation as well as developing normative texts in accordance with the given instructions by the CDPC;¹⁰
- (iv) follow developments in other international frameworks (e.g., United Nations, European Union) in the fields covered by these conventions and, where appropriate, propose measures likely to ensure their conformity with such developments;
- (v) follow the application of the European Convention on Human Rights with regard to international co-operation in criminal matters;
- (vi) carry out other specific mandates given by the CDPC;
- (vii) in accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which the Steering Committee (CDPC) has been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

Pillar/Sector/Programme

Pillar: Rule of Law

Sector: Common standards and policies

Programme: Development and implementation of common standards and policies

Expected results

(i) one or several model request forms and practical guidelines are developed to facilitate and improve mutual legal assistance in criminal matters.

(ii) the standard text providing information on the Convention on the Transfer of Sentenced Persons (appendix to Recommendation No. R (84)11) is completed with a text on the Additional protocol and the model request form appended to Recommendation No. R (92)18 is updated.

(iii) the Convention on the Transfer of Sentenced Persons and its Additional Protocol are assessed with a view to their possible modernisation and improvement by the drafting of new standards and/or practical guidelines.

(iv) issues affecting the implementation of Council of Europe Conventions on international co-operation in criminal matters are addressed. These issues include the relationship between extradition and asylum proceedings, the application of the "*aut dedere aut iudicare*" (extradite or prosecute) principle, the use of "assurances" in international co-operation as well as mutual legal assistance for the purpose of proceedings against legal entities.

(v) concrete problems experienced by Parties to the conventions¹¹ are identified at the earliest stage possible by discussion during meetings and on an on-line forum, practical solutions are proposed and ways are found to facilitate bilateral consultation.

(vi) where a need has been identified, practical procedural guidelines and bilateral consultation channels are developed to assist practitioners (government officials, judges and prosecutors) in the implementation of the conventions on international co-operation in criminal matters¹².

(vii) the PC-OC user-friendly website is further developed to allow practitioners to find legal and practical information (including, for example, country information, legal standards, case law, practical guidelines, model forms, thematic background papers and non-binding opinions of the PC-OC) needed to implement the main conventions on international co-operation in criminal matters; Practitioners will furthermore have the possibility to ask questions to the PC-OC.

Composition

Members:

Governments of member States are invited to designate one or more representatives of the highest possible rank in the relevant field of international criminal law, in particular

officials in charge of international co-operation in criminal matters.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Steering Committee for Human Rights (CDDH);
- Consultative Council of European Prosecutors (CCPE);
- Consultative Council of European Judges (CCJE);
- European Commission for the Efficiency of Justice (CEPEJ);
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations Office for Drugs and Crime (UNODC);
- International Criminal Police Organisation (INTERPOL);
- United Nations Interregional Crime and Justice Research Institute (UNICRI);

- Office of the United Nations High Commissioner for Human Rights (OHCHR);
- International Criminal Court (ICC);
- European Institute for Crime Prevention and Control (HEUNI);
- Organisation of American States (OAS);
- Ibero-American Network for International Legal Cooperation (IberRed)

Working methods

Plenary meetings:

48 members, 2 meetings in 2014, 3 days

48 members, 2 meetings in 2015, 3 days

Working Group meetings:

9 members (Bureau members and 7 members elected by the PC-OC), 2 meetings in 2014, 3 days

9 members (Bureau members and 7 members elected by the PC-OC), 2 meetings in 2015, 3 days

All member States may send representatives to the working group meeting without defrayal of expenses.

Bureau:

The Bureau is composed by the Chair and its Vice-Chair. The Chair and the Vice Chair are elected for a term of one year. The terms of the Chair and of the Vice-Chair are renewable once.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.