

COUNCIL OF EUROPE



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PC-OC Mod (2016) 03rev

English only

**EUROPEAN COMMITTEE ON CRIME PROBLEMS**

**(CDPC)**

**COMMITTEE OF EXPERTS**

**ON THE OPERATION OF EUROPEAN CONVENTIONS**

**ON CO-OPERATION IN CRIMINAL MATTERS**

**(PC-OC)**

**Amendment to Article 17 of the Convention on the Transfer of Sentenced Persons**

**alternative to the Dutch proposal by the PC-OC Mod**

**Alternatives as discussed by the PC-OC Mod and the PC-OC plenary:****Article 17 – Language and costs**

- 1 Information under Article 4, paragraphs 2 to 4, shall be furnished in the language of the Party to which it is addressed or in one of the official languages of the Council of Europe.
- 2 ~~Subject to paragraph 3 below, no translation of requests for transfer or of supporting documents shall be required.~~ Parties may request translation of all the relevant parts of the judgment referred to in Article 6, paragraph 2, point a, of the Convention, those provisions that describe the offences the sentenced person was charged with, the reasoning leading to the conviction, the conviction of the sentenced person by the judge or the court, including the offences for which the person has been found guilty and the penalties imposed.  
  
When-necessary<sup>1</sup> Parties may also request a translation of the request for transfer and other supporting documents, specifying the additional documents, or parts thereof, to be translated and indicating the reasons.
- 3 Any State wishing to obtain the ~~make use of the possibilities for~~ translation referred to in paragraph 2 may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, indicate that the translation will be required into its own language or into one of the official languages of the Council of Europe or into such one of these languages as it shall indicate. It may on that occasion declare its readiness to accept translations in any other language in addition to the official language or languages of the Council of Europe.
- 4 Except as provided in Article 6.2.a, documents transmitted in application of this Convention need not be certified.
- [5 The principle of reciprocity will/shall apply to paragraphs 2 [and 3].]
- 6 Any costs incurred in the application of this Convention shall be borne by the administering State, except costs [caused by]/ [incurred exclusively in the territory of] the sentencing State [unless agreed otherwise by the States concerned. States may consult with each other with a view to making arrangements for the payment of costs.]/ [However, the cost of transferring the sentenced person from the sentencing State to the administering State shall be borne by the sentencing State unless otherwise agreed between the State Parties concerned.]

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<sup>1</sup> Explain in the ER that “when necessary “ means that this concerns exceptional cases only.