



Strasbourg, 1 October 2020

CDPC-BU(2020)5

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

Bureau Meeting

Teleconference, 1 October 2020

The Bureau, meeting remotely via videoconference, on 1 October 2020, under the Chairmanship of Mr Jesper Hjørttenberg (Denmark), took the following decisions:

1. Opening of the meeting by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate

- to take note of the introductory remarks by Mr Kleijssen who
 - 1) congratulated the CDPC members for having efficiently adapted their way of working to the new environment despite the difficult circumstances;
 - 2) underlined the importance of the work carried out by the CDPC regarding Artificial Intelligence (AI) and highlighted the recently finalised Feasibility Study on AI and criminal law;
 - 3) welcomed the developments carried out by the subordinate committees, the PC-OC and the PC-CP, on topical subjects such as the draft Recommendation regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence and the modernisation of mutual legal assistance;
 - 4) underlined the importance of the Council of Europe intergovernmental cooperation to address the much-discussed issue of environmental protection;
 - 5) stated that environment is a priority for all European States, for the European Union and for the three successive Chairmanships of the Committee of Ministers of the Council of Europe: Georgia, Greece and Germany;
 - 6) underscored the importance for the CDPC to take a positive stand on this matter and move towards modernising the Convention on the Protection of Environment through Criminal Law.

2. Adoption of the draft agenda

- to adopt the draft agenda of the meeting.

3. Information by the Secretariat and the Chair and exchange of views with the Bureau members

- to congratulate Mrs Barbara Göth-Flemmich for her recent appointment as Director General for Criminal Justice in the Austrian Minister of Justice and note that she had to step down as member of the Austrian delegation with the CDPC and consequently as member of the Bureau;
- thank Mrs Barbara Göth-Flemmich for her excellent participation in the Committee over the last years and commend her on the achievements made during her tenure;
- that the election of the new member of the CDPC Bureau should be postponed to 2021;
- to take note of the information provided by Mr Carlo Chiaromonte, Secretary to the CDPC, on the progress made in recent CDPC activities, notably the developments achieved by the Working Group on AI and criminal law.

4. Council for Penological Co-operation (PC-CP)

- to take note of the oral information provided by the Secretary to the PC-CP and of the last PC-CP Working Group meeting report and of the dates of the next PC-CP Plenary meeting (13-14 October 2020, to be held in a remote format) and of its draft agenda;
- to take note that a request for observer status with the PC-CP was made by the International Corrections and Prisons Association (ICPA) and by the European Public Service Union (EPSU);
- to add this item (request for observer status) in the agenda of the next CDPC plenary meeting for decision;
- since the terms of office of one PC-CP Working Group elected member will expire at the end of 2020, decide that the election of this new member should be postponed to 2021.

a. Draft recommendation regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence

- to take note that the draft Recommendation and its commentary are expected to be finalised and approved at the forthcoming PC-CP Plenary meeting (13-14 October);

- to include the draft Recommendation in the agenda of the CDPC Plenary meeting in 2020 not for final approval but for possible comments and proposals for amendments due to the very short time between the CDPC and the PC-CP Plenary meetings;
- to instruct the secretariat to draft a list of comments and proposals for amendment to the draft Recommendation made by the Bureau which are to be brought to the attention of the PC-CP Plenary meeting.

b. 25th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (9-10 November 2020)

- to take note of the oral information provided by the Secretary to the PC-CP regarding the organisation of the Conference, its draft programme and its expected outcomes.

5. Artificial Intelligence and criminal law

- to examine the Feasibility Study of a future Council of Europe instrument on Artificial Intelligence and Criminal Law prepared by the Working Group composed of representatives of member states of the Council of Europe supported by a few scientific experts;
- to congratulate the Working Group for its excellent work;
- to propose to the CDPC Plenary to set up a Working Group to draft an instrument on Artificial Intelligence and Criminal Law, whose form remains to be decided;
- to suggest that the scope of the instrument should focus on vehicles and automated driving.

6. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

- to take note of the Agenda of the 78th Plenary meeting on 6-8 October 2020.

7. Environment and Criminal Law

- to thank Ms Veronique Jaworski, Professor at the University of Strasbourg, for preparing the Working Paper on Protecting the Environment through Criminal Law, to discuss and examine it and to make comments on its content;
- to present the Working Paper of Ms Jaworski to the Plenary in November;
- to support the idea of setting up a Working Group to discuss the possible way forward on environment and criminal law.

8. Preparation of the next Plenary meeting of the CDPC

- to approve that the next Plenary meeting will be the first one to be conducted remotely via videoconference and to be held in a two-day format (four sessions) on 3 and 4 November 2020;
- to concentrate the agenda of the next Plenary meeting to the following four major items: environment and criminal law, Council for Penological Co-operation (PC-CP); AI and criminal law; Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC).

9. Any other business

- to instruct the secretariat to inform the CDCJ that the CDPC will continue to follow with great interest their work on the profession of lawyer and that the CDPC will not make any comments on the feasibility study prepared by the CDCJ;
- to reiterate that the CDPC will not make any comments on the PACE Recommendation 2172 (2020) in "Missing refugee and migrant children in Europe".