

## 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*

Terms of Reference valid from: **1 January 2012 until 31 December 2013**

<b>Main tasks</b>	
Under the supervision of the European Committee on Crime Problems (CDPC), the Committee is instructed to:	
(i)	monitor and evaluate the operation of the conventions on international co-operation in criminal matters <sup>1</sup> 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; <sup>2</sup>
(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)	take due account of gender perspective in the performance of the above tasks.
<b>Pillar / Sector / Programme</b>	
<b>Pillar:</b>	Rule of Law
<b>Sector:</b>	Common standards and policies
<b>Programme:</b>	Development and implementation of common standards and policies
<b>Expected results</b>	
<b>Expected results for 2012 and 2013:</b>	
(i)	Practical guidelines are developed to facilitate and enhance international co-operation as regards jurisdiction and transfer of proceedings in criminal matters. The relevant instruments are assessed with a view to their possible modernisation and improvement by the drafting of new standards and/or guidelines;
(ii)	concrete problems experienced by Parties to the conventions <sup>3</sup> are identified at an early stage by discussion during meetings and on an on-line forum, practical solutions are proposed and ways are found to facilitate bilateral consultation;
(iii)	where a need has been identified, the development of practical procedural guidelines

<sup>1</sup> These Conventions include in particular: ETS No. 24 (Extradition, and Additional Protocols ETS Nos 86, 98 and 209), 30 (Mutual assistance in criminal matters and Additional Protocols ETS Nos 99 and 182), 51 (Supervision of Conditionally sentenced or Conditionally released Offenders), 70 (International validity of criminal judgments), 73 (Transfer of criminal proceedings), 112 (Transfer of sentenced persons and its Protocol ETS No. 167).

<sup>2</sup> On the basis of the elements presented, notably, in the following documents: Proposals of the PC-OC concerning normative and practical measures to improve the operation of relevant conventions (PC-OC (2008) 05 and 06), approved by the CDPC at its 56th plenary session (CDPC (2007) 23).

<sup>3</sup> Conventions as quoted in footnote 2.

- and bilateral consultation channels which will assist practitioners (government officials, judges and prosecutors) in the implementation of the conventions on international co-operation in criminal matters<sup>4</sup>;
- (iv) a user-friendly website will allow practitioners to find legal and practical information (including, for example 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.

**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);
- 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).

**Observers:**

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

- Israel;
- other States Parties to the Council of Europe Conventions on co-operation in Criminal

<sup>4</sup> Idem.

Matters (on an ad hoc basis, upon invitation by the PC-OC).

#### **Working methods**

##### **Plenary meetings:**

48 members, 2 meetings in 2012, 3 days

48 members, 2 meetings in 2013, 3 days

##### **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.