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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)

**List of decisions taken at the 87th meeting of the PC-OC
chaired by Adil Abilov (Azerbaijan)**

13-15 May 2025

1. Opening of the meeting and adoption of the agenda

After the opening of the 87th meeting of the Committee of Experts on the operation of European Convention on co-operation in criminal matters (PC-OC) by its Chair, the agenda was adopted as reflected on the website.

2. Points for information

The PC-OC took note of:

- information provided by Eva Pastrana, Head of the Criminal Law Division and Secretary to the European Committee on Crime Problems (CDPC), on the current priorities of the Council of Europe and the importance of international cooperation in this regard, including:
 - o The Committee of Ministers' decision to start work on a Recommendation on deterring and fighting the smuggling of migrants and enhance the implementation of the Council of Europe Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants. Ms Pastrana stressed the importance of collecting the PC-OC's input on this question in order to implement the line of action from the aforementioned Action Plan to "consider evaluating and improving MLA mechanisms and other methods in international cooperation". She added that, in addition to practical exchanges during the plenary meeting, the PC-OC delegations may be invited to provide feedback in writing on their experience and their suggestions for further action.

- The adoption of the Convention on the Protection of the Environment through Criminal Law by the Committee of Ministers during the Ministerial meeting in Luxembourg (13-14 May 2025).
- The Council of Europe efforts against impunity and for accountability, in the context of the Russian aggression against Ukraine, following the prioritisation of this work after the Reykjavik Summit. Ms Pastrana informed the PC-OC that the Register of Damage for Ukraine had already received more than 20,000 claims, that a Compensation Mechanism would be set up soon and about the ongoing work regarding a Special Tribunal (also see below).
- The need to strengthen the links between the standard-setting work and expertise of the Council of Europe intergovernmental committees and their contribution to operational cooperation projects, in alignment with the global outreach of the Council of Europe Conventions in the field of international cooperation in criminal matters.
- Reflection of the PC-OC's work in the Council of Europe Secretary General's [2025 Report](#), entitled "Towards A New Democratic Pact for Europe".
- Information provided by the Secretariat on the progress made regarding the adoption of the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal matters by the Committee of Ministers. The PC-OC noted that the Third Additional Protocol was expected to be opened for signature on 19 September 2025, under the Maltese Chairmanship of the Committee of Ministers of the Council of Europe during an Informal Conference of Ministers of Justice of the Council of Europe in Valletta. The PC-OC also took note of the Secretariat's call to ensure that the Protocol is signed by as many States Parties as possible on that occasion.
- The accession of the Republic of Chile to the European Convention on Extradition, which the PC-OC warmly welcomed.
- Information provided by delegations on bilateral treaties recently concluded or currently under negotiation.

The PC-OC took note of the information provided by Constanze Schimmel-Khalfallah, Legal Adviser at the Directorate of Legal Advice and Public International Law, on the finalisation of the technical work by the Core Group regarding a Special Tribunal for the crime of aggression against Ukraine, including the legal setup envisaged, with a focus on aspects relating to legal co-operation. The PC-OC welcomed this information, expressed its interest in being kept informed of further developments in this respect.

3. European Convention on Mutual Assistance in Criminal Matters

a. Confidentiality and the European Convention on Mutual Assistance in Criminal Matters

The PC-OC examined the replies to its questionnaire on confidentiality in MLA proceedings, as well as a summary of these replies prepared by the Secretariat. It thanked the delegations that have replied to the questionnaire and invited other delegations to do so by 31 August 2025.

The PC-OC considered that the replies demonstrated the need for the PC-OC to develop guidance for practitioners confronted to this issue, including good practices to be adopted in this respect. It decided to set up a working group composed of the Chair, Yael Bitton (Israel), Mariana Radu (Romania), Christian Sager (Switzerland) and Sofia Haq (the United Kingdom) to start defining an outline for the content of this guidance.

b. Hearing of victims by video conference

As instructed by the CDPC at its 86th meeting on 20-22 November 2024, the PC-OC discussed the issue of potential difficulties in applying the provisions of the European Convention on Mutual Assistance in Criminal Matters and its additional protocols regarding hearing of victims by video conference. A *tour de table* held by the PC-OC on this matter showed that, with the exception of one delegation, all States Parties to the Convention present were able to hear victims by video conference, as witnesses, in spite of the fact that the national legislation of many States Parties makes a distinction between the status of victim and witness. Many delegations also stressed that their national system allowed them to accommodate special

requirements by requesting Parties relating to the protection of victims or vulnerable persons in such hearings by video conference. The PC-OC decided to report these findings to the CDPC and considered that there was no further need to discuss this issue at this stage.

c. Exchange of experiences on MLA proceedings (including with non-European states)

The PC-OC held an extensive exchange of experiences regarding MLA proceedings, on the basis of concrete cases and practical difficulties encountered by delegations, with a particular focus on the issue of the smuggling of migrants. The PC-OC took note with interest by the information provided by the Chilean delegation regarding initiatives concerning a regional network of prosecutors in Latin America (REDTRAM). The importance of joint investigation teams was also highlighted by several delegations.

One delegation referred to its national practice of considering requests for extracts from judicial records (Article 13) as different from an ordinary MLA request, and therefore not subject to the information requirements set out in Article 14 of the Convention. Several delegations said that they were able to satisfy such requests, but the absence of identifying information (such as the spelling in the national alphabet of the person's name, or other information helping to identify the person or the offence) may complicate or delay replies.

The PC-OC also decided to follow up on its past work on the review of declarations and reservations, not only for MLA but all conventions under the PC-OC's purview, with one delegation suggesting that this work should also include encouragement to States Parties to sign and ratify additional protocols where relevant. In that regard, it instructed the Secretariat to consult the Treaty Office regarding the availability of statistical data regarding the withdrawal of reservations and declarations since the previous exercise.

4. European Convention on Extradition

a. Update of the publication "Extradition: European standards"

Raquel Tavares (expert) introduced the document she prepared in the framework of this project and explained the reasoning behind her drafting choices. The PC-OC congratulated and thanked Ms Tavares for the outstanding work she accomplished and considered that the document would be a very useful addition to the PC-OC toolbox for practitioners. While bearing in mind that this publication, like the previous one, does not necessarily represent the views of the Committee but reflects the assessment of the expert, it nonetheless considered that it would be useful to give the opportunity to PC-OC delegations to comment on the document before its publication. It therefore invited delegations who wish to do so to send their comments to Ms Tavares, via the Secretariat, by 15 July 2025.

The PC-OC invited Ms Tavares to revise this document in the light of these comments, where appropriate, and to present it again to the PC-OC Mod at its next meeting in September 2025. It also invited Joana Ferreira (Portugal), the former Chair of the PC-OC during whose mandate this work had started, to provide a foreword for this publication. The PC-OC considered that the document should ultimately be published on its website, with the appropriate disclaimer and this foreword. Following a question by one delegation, the Secretariat stated that it would explore possibilities of making this publication available in French, within the constraints of available resources.

b. Relationship between asylum and extradition proceedings

At the invitation of the PC-OC Mod, the PC-OC held a detailed discussion regarding the relationship between asylum and extradition procedures. This discussion showed that important changes had occurred in many States Parties regarding this matter since the PC-OC's last examination of it. The PC-OC therefore decided that its information document and questionnaire on this matter (PC-OC / INF 76) needed to be updated. It instructed the PC-OC Mod to reconsider the questionnaire and propose any updates and amendments to the PC-OC plenary as necessary.

c. Time limits for surrender

At the invitation of the PC-OC Mod, the PC-OC held a discussion on the issue of time limits between a final positive decision on extradition and the determination of a date of surrender in the practice of States Parties to the European Convention on Extradition. This discussion allowed the PC-OC to identify several areas where the divergence of interpretation or differences in national legislation can cause practical difficulties in the application of the Convention. The PC-OC instructed the Secretariat to prepare a short information document based on the information available in the PC-OC's country information sheets on this issue and the PC-OC Mod to pursue these discussions at its next meeting.

d. Exchange of experiences on extradition proceedings (including with non-European States)

The PC-OC had an exchange of experiences regarding extradition proceedings, on the basis of concrete cases and practical difficulties encountered by delegations, including on the interpretation of the Petruhhin judgment, practical experiences with a number of specific third states, the need for proper communication between law enforcement and central authorities early on in order to avoid difficulties down the line, the need for further work and guidance on asset recovery and digital currencies, as well as several other issues. The detailed discussions also highlighted the importance of good communication, particularly in cases of conflicting requests where it is crucial to inform the requesting Parties of the different stages in the proceedings and the criteria used to reach a decision in accordance with Article 17 of the European Convention on Extradition.

Based on a question raised by one delegation, the PC-OC identified some divergence of opinions regarding the need to inform and obtain the consent of all States previously involved in a chain of extraditions, when it comes to re-extradition or issues relating to the rule of speciality. The PC-OC considered that this is an issue that should be pursued in further discussions.

One delegation referred to the difficulty it has faced with the Russian Federation in a particular case, the PC-OC noting that no other delegation shared similar experiences or was able to suggest a solution. Nevertheless, the ensuing discussions demonstrated that most delegations had ceased co-operation on extradition with the Russian Federation, whereas the situation was more nuanced vis-à-vis mutual legal assistance where for a number of delegations co-operation would still theoretically be possible on a case-by-case basis. The PC-OC took note of a call by Ukraine on all PC-OC delegations to be vigilant about possible requests by the Russian Federation against Ukrainian nationals, due to a pattern of abusive requests based on false charges recently sent to neighbouring countries.

5. Convention on the Transfer of Sentenced Persons

a. Replies to the questionnaire on the application of the Convention

The PC-OC examined the replies to its questionnaire on the application of the Convention on the Transfer of Sentenced Persons. Considering that a more representative sample would be necessary to render any future work of the PC-OC on this issue as useful as possible, it decided to invite delegations who have not yet done so to send their replies to this questionnaire to the Secretariat by 31 August 2025.

The PC-OC instructed the PC-OC Mod to examine these replies and report to the PC-OC plenary in November 2025.

b. Exchange of experiences on proceedings regarding the transfer of sentenced persons (including with non-European states)

The PC-OC held an exchange of experiences regarding transfer proceedings, on the basis of concrete cases and practical difficulties encountered by delegations, focussing notably on costs relating to transit and delays caused by translation. Regarding the question whether the Convention can be used as a basis to transfer a sentence independently of the person, many States Parties interpret the Convention as applying strictly to a physical transfer of the person together with the sentence, whereas some states have a broader interpretation and practice. The PC-OC also encouraged all States Parties to make use of

available resources to raise awareness about the Convention, and in particular the relevant [Recommendation of the Committee of Ministers of 2020](#).

6. Draft template regarding the supervision of conditionally sentenced or conditionally released offenders

The PC-OC continued its discussion on the application of the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders, on the basis of a discussion paper prepared by Mariana Radu (Romania), as well as the replies sent by delegations to questions contained in that document. The PC-OC warmly thanked Ms Radu for also having prepared and, following the last PC-OC Mod meeting in March 2025, revised a draft template covering the application of the relevant Council of Europe convention (ETS No. 051) and information on national legislation in member States which are not Party to this Convention.

The PC-OC examined this document and decided to send it to the Council for Penological Co-operation (PC-CP) for possible comments, before its finalisation by the PC-OC.

7. Asset recovery – draft protocol under preparation by the PC-RAC

The PC-OC took note of the information provided by the Chair of the Committee of Experts on Criminal Asset Recovery (PC-RAC), Cornel Calinescu, and its Secretary, Milan Nikolic, regarding the draft Additional Protocol currently under preparation to supplement the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (CETS no. 198), and held an exchange with them.

Following the PC-OC Mod meeting in March 2025, PC-OC members had received the text of the draft Additional Protocol and an invitation to send to the Secretariat any comments or drafting proposals they may have on this draft in writing. The PC-OC noted that no delegation had sent such comments. As a result, the PC-OC considered that there was no need to formulate a formal opinion on the draft Additional Protocol at this stage.

The PC-OC nevertheless took note of concerns raised by two delegations during the exchange, relating to provisions on international co-operation in the draft. It invited these delegations to send these concerns to the Secretariat in writing and instructed the latter to transmit them to the Secretariat of the PC-RAC, for consideration by the Committee.

8. Exchange with a delegation from Namibia on international co-operation in criminal matters

The PC-OC held an exchange of views with Hilleni Tangi Shikongo, Chief Legal Officer at the Office of the Attorney-General, and Salmi Kapena, Legal Officer at the Ministry of Justice and Labour Relations of Namibia, who attended the plenary meeting at the PC-OC's invitation. The exchange concerned various issues relating to international co-operation in criminal matters, focussing on extradition, mutual assistance and transfer of sentenced persons. The PC-OC warmly thanked Ms Shikongo and Ms Kapena for their participation in its meeting, their presentation, as well as the additional information they provided during this exchange.

The PC-OC expressed its readiness to continue engaging with Namibia on these issues and invited Namibia to inform the Secretariat in case it decides to pursue the possibility of acceding to Council of Europe conventions on international co-operation in criminal matters.

9. Accession of third States to Council of Europe Conventions

The Kyrgyz delegation to the PC-OC, in its first participation in a PC-OC meeting since the accession by Kyrgyzstan to the Convention on the Transfer of Sentenced Persons, made a presentation to the PC-OC regarding the legal framework and practice of Kyrgyzstan regarding mutual legal assistance, which was followed by an exchange. Taking note of the intention expressed by the Kyrgyz authorities to formally start

procedures in order to request to be invited to accede to the European Convention on Mutual Assistance in Criminal Matters, the PC-OC decided to set in motion the procedure laid out in its relevant Policy Paper with a view to adopting its opinion on such a request at its next plenary meeting in November 2025.

The PC-OC took note of information provided by the Secretariat on the state of play regarding the accession of Thailand and Kazakhstan to the European Convention on Mutual Assistance in Criminal Matters, as well as recent exchanges between the Council of Europe and the European Union on the promotion of Council of Europe conventions by the latter.

The PC-OC took note of questions raised in one member State during the examination of an accession request, regarding the future status of existing bilateral treaties between the two States concerned under the European Convention on Mutual Assistance in Criminal Matters. The PC-OC noted the latitude provided under paragraphs 1 and 2 of Article 26 in this respect. While noting that no other State Party appeared to have encountered this question so far, the PC-OC took account of the growing interest by third States in accession in the wake of its policy paper which may increase the likelihood of similar issues arising for other States Parties and decided to stay vigilant on this issue.

10. Workplan and working methods of the PC-OC

At its 85th plenary meeting on 14-16 May 2024, the PC-OC had agreed on its [future workplan](#). The PC-OC considered that the task identified in that workplan relating to core international crimes and the interplay with the Ljubljana-the Hague Convention should be prioritised, based on the high priority assigned to these questions within the Council of Europe (see above). The PC-OC therefore decided to set up a working group with a view to preparing a document setting out the views of the PC-OC on these issues, for first consideration at its 88th meeting in November 2025. The composition of the working group was decided as follows: Vice-Chair, Wout Declercq (Belgium), Tim Sterkenburg (the Netherlands), Mariana Radu (Romania), Špela Štebal Renčelj (Slovenia), Christian Sager (Switzerland) and Andriy Hulkevych (Ukraine).

Considering these priorities, and its potential involvement in the follow-up to the planned Informal Conference of Ministers on international co-operation in Valetta, Malta in September 2025, the PC-OC decided to postpone its work on the transfer of criminal proceedings to 2026.

The PC-OC also held a discussion on its working methods and decided to renew the composition of the PC-OC Mod following the election of a new Chair and Vice-Chair at the 88th plenary meeting of the PC-OC in November 2025.

11. Dates of future meetings

The PC-OC confirmed the dates of its remaining meetings in 2025 as follows: 4-6 November for its plenary and 23-25 September for the PC-OC Mod.