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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 88th meeting of the PC-OC
chaired by Adil Abilov (Azerbaijan)**

4-6 November 2025

1. Opening of the meeting and adoption of the agenda

After the opening of the meeting by the President, the agenda was adopted as reflected on the website.

2. Points for information

The PC-OC took note of:

- information provided by the President and the Secretariat concerning the Informal Conference of Ministers of Justice that took place in Valletta, Malta, on 18-19 September 2025, as well as the opening for signature of the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ("Valletta Protocol") on that occasion. It welcomed the fact that 16 States had signed the Protocol during the opening ceremony and that the current number of signatories stood at 17. The PC-OC also welcomed the fact that the declaration adopted by the Ministers of Justice in Malta reflected the value of the conventions under the PC-OC's purview, and the work of the PC-OC itself.
- information provided by Eva Pastrana, Head of the Criminal Law Division and Secretary to the CDPC, on the current priorities of the Council of Europe and the workplan of the CDPC, including the following points:
 - o The CDPC is expected to be tasked by the Committee of Ministers to start work on foreign information manipulation and interference (FIMI), which is likely to have an impact on the next CDPC bureau and plenary meetings.

- Another major priority will be the drafting of a comprehensive Recommendation on deterring and fighting the smuggling of migrants, which will have a crucial component on international cooperation in criminal matters. It is therefore to be expected for the subcommittee responsible for this Recommendation to approach the PC-OC for input on available information on specific cases and consult the PC-OC in the future.
 - The Council of Europe Convention on the Protection of the Environment through Criminal Law will be opened for signature on 3 December 2025.
 - The CDPC Bureau decided to promote the exchange of contact details between relevant Council of Europe Committees, as well as the Council of Europe Network of Prosecutors on Migrant Smuggling.
 - The Secretariat prepared an information document on the case-law of the European Court of Human Rights relating to international cooperation in criminal matters, which would soon be shared with the members of the PC-OC.
 - For further details and other issues that may be of interest to PC-OC delegates, the List of Decisions of the CDPD Bureau of October 2025 is available [here](#).
- information provided by delegations on bilateral treaties recently concluded or currently under negotiation, as well as recent legislative or institutional changes of relevance to international cooperation in criminal matters.

The PC-OC took note of the information provided by Irene Suominen, Legal Advisor at the Directorate of Legal Advice and Public International Law (DLAPIL), about the latest developments regarding the establishment of a Special Tribunal for the crime of aggression against Ukraine. Ms Suominen underlined that the proper functioning of the Tribunal would require the effective establishment of an Enlarged Partial Agreement (EPA), and as wide and global a participation in it as possible. Ms Suominen also informed the Committee about the progress made with a template cooperation agreement regulating cooperation with the Special Tribunal.

The PC-OC welcomed the suggestion of one delegation to invite representatives of the West African network of central authorities to a future meeting of the PC-OC. It invited that delegation to initiate contacts between that network and the PC-OC Secretariat, and extended an invitation to representatives of the network for an exchange at a future meeting of the PC-OC.

3. European Convention on Extradition

a. Update of the publication “Extradition: European standards”

The PC-OC welcomed the conclusion of this work and warmly thanked Raquel Tavares (expert) once again. It decided to approve the publication of this compendium on its website, with the disclaimer proposed by the Secretariat that the opinions expressed in this work are the responsibility of the expert and do not necessarily reflect the views of the PC-OC or the official policy of the Council of Europe, and the addition of a foreword by the former President of the PC-OC, Joana Ferreira (Portugal).

b. Relationship between asylum and extradition proceedings

The PC-OC examined a questionnaire proposed by the PC-OC Mod, to be used as a basis for the update of the PC-OC’s information document on this matter (PC-OC / INF 76). The PC-OC adopted the questionnaire with amendments and instructed the Secretariat to send it to all States Parties to the European Convention on Extradition, together with the information document from 2014 containing replies of the time. The PC-OC invited all delegations concerned to send their replies to the Secretariat by 31 January 2026.

c. Time limits for surrender

At the invitation of the PC-OC Mod, the PC-OC held a *tour de table* on the practices of States Parties to the European Convention on Extradition regarding this matter, paying special attention to:

- whether the time limits between an extradition decision and surrender are defined in legislation or based on the State Party's interpretation of Article 18 (surrender) of the Convention.
- what specific actions start the time limit (a judicial decision becoming final, an administrative decision, or the notification of the requesting Party) and end it (the agreement on a date of surrender or the physical surrender of the person).

The PC-OC instructed the Secretariat to reflect the information shared during this *tour de table* in its information document (to be kept confidential), with a view to reflecting the general trends in the diverging approaches by States Parties to this issue. It also instructed the Secretariat to suggest an update of the country information sheet template regarding extradition, to be examined by the PC-OC Mod 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, in particular regarding the impact of last-minute medical issues on surrender, potential complications arising from the interplay of extradition proceedings and transfer of sentenced persons, practical solutions in cases where the absence of valid ID or travel documents may hamper the surrender of the person, in particular where the person is extradited to a country other than their country of origin. It also took note of two separate cases of the successful extradition of persons in connection with core international crimes.

The PC-OC discussed cooperation with a particular third state, noting some improvement in the cooperation regarding extradition in recent months.

The PC-OC welcomed information provided by the Chilean delegation that, owing to a recent change in the national legislation, Chile can now effect a five-day retention on the basis of an INTERPOL red notice, which needs to be followed up by a request for provisional arrest within that period. The PC-OC noted that Chile accepts requests for provisional arrest transmitted by email, whereas the request for extradition still needs to be sent through the diplomatic channel.

4. European Convention on Mutual Assistance in Criminal Matters

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

The PC-OC took note of information provided by its President and Secretariat concerning the progress made by the working group set up at the 87th meeting of the PC-OC in May 2025, in order to develop the PC-OC's guidance on this matter. It noted that the working group is expected to submit a first draft for the next PC-OC Mod meeting in March 2026.

b. Request by Kyrgyzstan for an opinion on accession

In the light of the information provided by the Kyrgyz authorities that Kyrgyzstan intends 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 examined a draft opinion on such an accession in accordance with its policy paper endorsed by the Committee of Ministers in March 2023. The PC-OC notably took into account relevant information compiled by the Secretariat, views and experiences provided by various delegations, as well as written information provided by the Kyrgyz authorities. It also took note of a presentation made by a delegation from Kyrgyzstan, headed by Mr Nurbek Kaimov, Deputy Prosecutor General of the Kyrgyz Republic, followed by a question and answer session.

The PC-OC adopted its opinion on this matter in line with its policy paper on accession and decided to transmit it to the CDPC for consideration. It invited the CDPC to authorise the Secretariat to transmit this opinion to the Committee of Ministers when Kyrgyzstan formally requests to be invited to accede to the European Convention on Mutual Assistance in Criminal Matters.

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

The PC-OC held an exchange of experiences regarding MLA proceedings, on the basis of concrete cases and practical difficulties encountered by delegations. In this connection, the PC-OC took note in particular of the experience of one delegation regarding a case where evidence obtained through MLA was instrumental for a suspect's acquittal, highlighting the importance of MLA also in such situations. The PC-OC also considered questions relating to digital assets and e-evidence, and took note of the proposal by two delegations to hold a more substantial exchange on these issues at its next plenary meeting. It invited the two delegations in question, as well as others wishing to do so, to send their guiding questions to the Secretariat, for them to be reflected in the annotated agenda of that meeting.

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 this questionnaire and decided to instruct the Secretariat to summarise these replies for the next PC-OC Mod meeting, while inviting any delegation who has not yet replied to the questionnaire to do so by 31 December 2025. It instructed the PC-OC Mod to examine these replies and the summary and advise the PC-OC on the follow-up to be given to this file.

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

No delegation raised specific practical issues relating to proceedings regarding the transfer of sentenced persons.

6. Supervision of conditionally sentenced or conditionally released offenders

The PC-OC took note of comments sent by one delegation of the Council of Europe's Council for Penological Cooperation (PC-CP) regarding its draft template on 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. It accepted these comments and instructed the Secretariat to send the draft template as amended to all delegations, inviting the latter to send back the filled-in country information sheets by 28 February 2026.

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

The PC-OC held an exchange of views with the President of the Committee of Experts on Criminal Asset Recovery (PC-RAC), Mr Cornel-Virgiliu Calinescu, and its Secretariat, who informed the PC-OC about the drafting process and provisions of the draft Additional Protocol supplementing 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). It noted that the PC-RAC had finalised the text of the draft Protocol at its last meeting on 6-10 October 2025, while the draft Explanatory Report would be finalised in December 2025.

The PC-OC welcomed the fact that the comments sent by two delegations of the PC-OC following the last plenary meeting of the PC-OC in May 2025 were taken on board by the PC-RAC and led to substantial revisions of the draft Protocol regarding joint investigation teams and data protection. It also expressed its readiness to support future work under the Additional Protocol regarding model forms, based on its expertise in this domain.

The PC-OC congratulated the PC-RAC on the work it had accomplished and wished it success for the next steps.

8. Draft PC-OC Paper on the articulation between Council of Europe conventions and the Ljubljana-The Hague Convention

The PC-OC considered a draft paper produced by a working group it set up at its 87th meeting in May 2025, setting out the views of the PC-OC on core international crimes and the interplay between Council of Europe conventions and the Ljubljana-the Hague Convention (LHC). The PC-OC congratulated the working group for this work and expressed its broad agreement with the conclusions of the paper, including on the complementarity between the Council of Europe convention system and the LHC, as well as the desirability of coordination and synergies between the two.

The PC-OC invited any delegation wishing to formulate comments or suggestions on this draft to send them to the Secretariat before 31 December 2025. It invited the working group to finalise its draft on the basis of these comments and submit it for consideration at the next PC-OC Mod meeting, in view of its final adoption at the next plenary meeting.

9. Update of the PC-OC document on ECHR case-law

The PC-OC took note of the document on the case-law of the European Court of Human Rights as updated by Miroslav Kubiček (expert) and reviewed by the PC-OC Mod. It warmly thanked Mr Kubiček for his valuable contribution to the work of the Committee and decided to publish the updated document on its website.

10. Accession of Third States to Council of Europe Conventions

The PC-OC welcomed the accession by Mongolia to the European Convention on Mutual Assistance in Criminal Matters, on 24 August 2025, noting that the invitation to Mongolia to accede to this convention preceded the endorsement of PC-OC's policy paper on accessions by the Committee of Ministers. The PC-OC welcomed Kyrgyzstan's kind offer to share contact details for the MLA central authority of Mongolia with the Secretariat.

The PC-OC noted that, following the official consultation of the States Parties and taking into account the opinion of the PC-OC on this matter, the Committee of Ministers had invited Kazakhstan to accede to the European Convention on Mutual Assistance in Criminal Matters on 18 June 2025. The President informed the PC-OC that Kazakhstan expected to deposit its instrument of accession within the following months, possibly before the next plenary meeting. He further informed the Committee of Kazakhstan's wish to make a presentation to the PC-OC regarding the country's potential accession to the Convention on the Transfer of Sentenced Persons. The PC-OC agreed to invite Kazakhstan to make this presentation at its next plenary meeting.

The PC-OC took note of exchanges between the Council of Europe Secretariat and the European Union institutions with regard to the possible promotion by the European Union of Council of Europe conventions vis-à-vis third States. The PC-OC further noted that a joint EU-Council of Europe pilot project with third countries in this connection is also under consideration, and that the PC-OC would be involved in the identification of potential candidate countries in that connection and that the project would take account of its policy paper on accession.

11. Future workplan of the PC-OC

The PC-OC reviewed the implementation of its agreed [workplan](#) and took note of various steps taken for its implementation. It decided to pursue this review at its next plenary meeting.

The PC-OC decided to hold a *tour de table* concerning the status of the Valletta Protocol in different States Parties to the European Convention on Mutual Assistance in Criminal Matters, as well as the way in which they intend to implement Article 3 of this Protocol on technical recording devices, at its next plenary meeting.

The PC-OC took note of a question received by the Secretariat from one delegation regarding the difficulty of obtaining up-to-date information concerning competent authorities responsible for Articles 13 and 22 (judicial records) of the European Convention on Mutual Assistance in Criminal Matters. The PC-OC considered that this issue could warrant the revision of country information sheets regarding mutual legal

assistance, while noting that the issue may be wider than the contact details of the competent authorities, as remarked by one delegation. It instructed the Secretariat to make a proposal for a revised country information sheet template for consideration by the PC-OC Mod at its next meeting. It also invited the delegation at the origin of this initiative to suggest a revised version of the PC-OC's model form for the exchange of judicial records, if appropriate.

The PC-OC considered that it would be expedient to organise a special session on the transfer of criminal proceedings adjacent to its plenary meeting in November 2026.

12. Elections

The PC-OC elected Christian Sager (Switzerland) as President and Stéphanie Djian (France) as vice-President for a one-year term starting from 1 January 2026.

The PC-OC renewed the composition of the PC-OC Mod as follows (in addition to the President and the vice-President):

- Johannes Martetschläger (Austria)
- Adil Abilov (Azerbaijan)
- Erik Verbert (Belgium)
- Tim Sterkenburg (Netherlands)
- Liv Christina Egseth (Norway)
- Joana Gomes Ferreira (Portugal)
- James Smith (United Kingdom)

- Gabriela Bláhová (Czechia), first substitute member
- Louise Manukian (Armenia), second substitute member

The PC-OC expressed its gratitude to Adil Abilov (Azerbaijan) and Joana Ferreira (Portugal) for their successful terms as President and vice-President.

13. Dates of future meetings

The PC-OC agreed on the dates of its meetings to be held in 2026 as follows: plenary meetings on 19-21 May and 3-5 November; meetings of the PC-OC Mod on 24-26 March and 22-24 September.

14. Any other business

The PC-OC held a discussion on a question previously sent by the Czech delegation regarding the possibility of making reciprocal declarations under Article 4 (interception of telecommunications), paragraph 8, of the Valletta Protocol. One delegation considered that the solution envisaged by the Czech authorities appeared balanced and appropriate. The PC-OC noted that Czechia had so far received three replies to this question and encouraged other delegations to respond to it.