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COUNCIL OF EUROPE
COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMMITTEE OF EXPERTS
ON THE OPERATION OF EUROPEAN CONVENTIONS
ON COOPERATION IN CRIMINAL MATTERS
(PC-OC)

List of decisions taken at the 90th meeting of the PC-OC
chaired by Christian Sager (Switzerland)

3-5 November 2026

1. Opening of the meeting and adoption of the agenda

After the President opened the meeting with a speech describing the complex international context in which PC-OC delegations work and cooperate on criminal justice matters, the agenda, as reflected on the website, was adopted.

2. Points for information

The PC-OC took note that Eva Pastrana, Head of the Criminal Law Division and Secretary to the CDPC, acted as interim Secretary to the PC-OC at the present meeting.

The PC-OC was informed by Eva Pastrana on the CDPC's recent work and priorities, including the following:

- The CDPC Bureau had discussed the Committee's next terms of reference for 2028-2031. The PC-OC was invited to discuss the PC-OC Mod's proposed deliverables, with the draft terms of reference to reach the CDPC by mid-November 2026.
- The CDPC had agreed to introduce a standing agenda item on signatures and ratifications of selected Council of Europe conventions within its remit, including the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Valletta Protocol), which had been signed by 20 countries, encouraging delegations to sign and ratify it. The CDPC had

underlined the importance of giving visibility to accessions by third countries among key partners, including the European Union, Eurojust and the European Judicial Network.

- The Dutch Presidency of the Committee of Ministers, in the second half of 2027, plans to organise a joint meeting between the PC-OC and the Committee of Legal Advisers on Public International Law (CAHDI) on international crimes, international cooperation and the Ljubljana-The Hague Convention. The PC-OC would therefore need to hold its second plenary meeting in 2027 at the end of September.
- The Additional Protocol to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism had been signed on 14 October 2026 by eight Council of Europe member States and the European Union.
- The PC-CP was finalising its update of Recommendation CM/Rec(2012)12 concerning foreign national prisoners, extended to foreigners under probation. The CDPC Bureau had also reviewed and endorsed the proposed PC-CP work for 2028–2031. The United Kingdom had circulated a paper on serious and organised crime in prison and probation settings. Concerns were raised about the growing use of expulsion instead of transfers, and the rehabilitative purpose of transfers was noted as a shared interest of the PC-CP and PC-OC.
- Work on Recommendations on Criminal Justice Response to Deepfakes and on the Smuggling of Migrants was progressing. The CDPC had noted progress on guidelines on restorative justice.

The PC-OC welcomed with great satisfaction the news that its Secretary Hasan Bermek would resume his duties in January 2027. The PC-OC noted that the Vice-President would return to jurisdictional work and that a replacement would therefore be required for 2027. Spontaneous candidacies were welcomed, and the Dutch PC-OC delegate volunteered during the meeting.

The PC-OC considered the statement by the Dutch delegation concerning attempts of the Russian Federation to undermine the International Criminal Court by abusing the Council of Europe Convention on Extradition, to which the Russian Federation remains a Party. Several delegations intervened, disapproving such serious misuse of the convention for political motive, noting they had suspended or significantly limited their judicial cooperation with the Russian Federation since the invasion of Ukraine. Some delegations recalled the safeguards within the Conventions against such requests. Some delegations also called for a reconsideration of any remaining cooperation, including consideration of the suspension of its operation regarding the Russian Federation.

The Secretariat recalled that States Parties could refuse requests on grounds provided for in the Convention, including on political grounds. It also referred to the CDPC's reply to Parliamentary Assembly Recommendation 2039 (2026), "Fighting Back Against Transnational Repression", and to a possible CDPC reply to PACE Recommendation 2314 (2026), "Threats to the International Criminal Court". The latter had been sent to the Committee of Legal Advisers on Public International Law (CAHDI), the Steering Committee for Human Rights (CDDH) and the Consultative Council of European Judges (CCJE) for information and possible comments by 27 November 2026.

The PC-OC President invited the Dutch delegation to turn its statement into specific questions for consideration by the relevant legal services and/or steering committee(s), in order to have those organs' insight for further consideration at the next meeting of the PC-OC Mod.

The PC-OC took note of information provided by delegations on bilateral treaties recently concluded or currently under negotiation, as well as on other developments of relevance to its work.

3. European Convention on Extradition

a. Relationship between asylum and extradition proceedings

The PC-OC took note of the replies received to its revised questionnaire on this issue (PC-OC (2025)05rev) and thanked the [26] delegations that have replied so far. In the ensuing exchange, several delegations underlined the growing practical difficulties caused by asylum applications lodged at a late stage of

extradition proceedings, or lodged repeatedly, which may delay surrender considerably, and expressed a strong interest in good practices developed by other States.

The PC-OC agreed with the approach proposed by the PC-OC Mod. It invited delegations which have not yet replied to send their replies to the Secretariat until 4 December 2026 and instructed the Secretariat to prepare a summary of the replies for examination by the PC-OC Mod at its first meeting in 2027. It considered that a guidance paper on this issue could be envisaged at a later stage, potentially with the involvement of a working group to be set up at its first Plenary Meeting in 2027 and took note of the interest already expressed by Azerbaijan and Belgium in taking part in such a group.

b. Re-extradition

The PC-OC held an exchange of views on chain re-extraditions on the basis of the revised discussion paper submitted by the Belgian delegation (PC-OC(2026)05rev), which it thanked for its work. It noted that Article 15 of the Convention on Extradition was not drafted with such situations in mind and that interpretations diverge as to whether the consent of all previous requested States in a chain is required, or only that of the last State which surrendered the person. Some delegations stressed that requiring multiple consents could be difficult to reconcile with the strict time limits for detention pending extradition, while others recalled that, in their legal systems, the first requested State retains a responsibility for the protection of the person surrendered, as reflected in the case-law of their courts. The PC-OC also took note of information provided by the representative of Eurojust on the relevant case-law of the Court of Justice of the European Union and on a summary of the Eurojust's report on the speciality rule under the European Arrest Warrant, which the Secretariat would circulate to delegations.

Noting that few delegations had practical experience with such cases of chain-extraditions so far, the PC-OC decided not to address a written survey to States Parties at this stage. It agreed to revert to this issue in its discussion of its future deliverables under item 10, in view of a possible practical guidance on re-extradition, which could also draw on previous PC-OC discussions on this subject.

c. Exchange of experiences on extradition proceedings

The PC-OC had an exchange of experiences regarding extradition proceedings, on the basis of concrete cases and practical difficulties encountered by delegations, including the invocation of the right to respect for family life (Article 8 of the European Convention on Human Rights) as a ground for refusing extradition, the evidentiary requirements of certain requested States, and the use of electronic means for the transmission of extradition requests. In this connection, one delegation encouraged States to ratify the Fourth Additional Protocol to the Convention and expressed its openness to bilateral arrangements allowing for and prioritising electronic transmission in the meantime, including for transmissions by diplomatic channels.

Many delegations reported recurrent difficulties caused by refusals of boarding by aircraft captains or airlines at the time of surrender, despite prior arrangements, resulting in significant delays and costs. Delegations shared various practical solutions, such as alternative routes and rapid transit arrangements, surface transport, the use of state aircraft, and the training of escort officers. The PC-OC decided to include, under item 3 of the agenda of its next plenary meeting in May 2027, a *tour de table* on practical problems arising during the surrender phase, including cooperation with airlines, and invited delegations to consult their competent authorities (such as police and prison services) in order to share good practices on that occasion. It agreed to consider at that later stage whether further work, such as a short paper, would be useful.

4. European Convention on Mutual Assistance in Criminal Matters

a. Cooperation in cases involving the death penalty, risk of torture or other forms of inhuman or degrading treatment or punishment, procedural standards or independence of the prosecution

The PC-OC took note of information provided by Mr Sébastien Potaufeu, Council of Europe Coordinator for the Abolition of the Death Penalty, on recent developments regarding the abolition of the death penalty, including the Council of Europe's active participation in and the outcomes of the 9th World Congress Against the Death Penalty hosted in Paris in 2026. The next World Congress will be hosted by Morocco. Lebanon has become the first country in the region abolishing the death penalty, moving Lebanon closer to Council of Europe standards. Mr Potaufeu also referred to the entry into force of two laws expanding the scope of the death penalty in Israel, the petitions pending before the Supreme Court of Israel in this respect, and the decision adopted by the Committee of Ministers on 7 October 2026, which reiterates the Council of Europe's aim to create a death penalty-free zone in Europe and beyond, and deplores the adoption of above-mentioned laws and calls on the authorities of Israel to abandon these laws. This is the first time the Council of Europe has faced a regression by a State Party in relation to some of its Conventions. Concerns have also been raised by the Secretary General, as well as by the Parliamentary Assembly, which has requested an opinion from the Venice Commission. The PC-OC also took note of the information provided by Ms Yael Bitton from the Office of the State Attorney of Israel, who underlined that the conventions within the PC-OC's area of responsibility, notably Article 11 of the European Convention on Extradition and Article 2 of the European Convention on Mutual Assistance in Criminal Matters, provide the necessary legal responses, and reaffirmed Israel's commitment to its obligations under these conventions, including as regards assurances. In response to a question from the representative of Israel, Mr Potaufeu underlined that the goal of the meeting is not to encourage to stop judicial cooperation in criminal matters with Israel but to make sure that every Party to the relevant Conventions have the same level of information on the situation and on the applicable framework. In this respect, information from Israel would be welcome. The Representative from Israel confirmed the information provided by the Secretariat. While recalling the technical nature of the PC-OC, the President referred to his opening remarks and noted the occasional intersection of political and legal issues. The PC-OC decided to keep this matter on its agenda, with a view of approaching the question from an operational angle and not a political one, and to receive a further update at its next Plenary Meeting.

The PC-OC held an exchange of views on cooperation with States whose legal systems and standards differ significantly from those of Council of Europe member States in particular in cases involving the death penalty, risk of torture or other forms of inhuman or degrading treatment or punishment. Several delegations stressed the need for cooperation with all countries in order to tackle serious and organised crime affecting their societies, while others described the legal requirements and practical challenges involved in obtaining and monitoring diplomatic assurances. Regarding requests to or from countries that retain the death penalty or are subject to widespread allegations of torture or inhuman treatment, MLA proceedings pose additional challenges compared with Extradition requests, particularly because it can be difficult to anticipate how the evidence provided will be used. The PC-OC President recalled PC-OC's suitability for discussing these issues, exchanging good practices and agreeing on legally correct approaches that are useful to practitioners dealing with serious crimes, be them of financial or violent nature.

The PC-OC decided to pursue this exchange at its next Plenary Meeting, with particular attention to the role of central authorities in requesting and assessing (legal and/or diplomatic) assurances, and to take this suggestion into account in its discussion of its future deliverables under item 10.

b. Cooperation in cases involving prisoners of war and foreign fighters

The PC-OC examined the discussion paper submitted by the Ukrainian delegation, which it thanked for the high quality of its work. The paper addresses legal questions arising from requests for the extradition or transfer of foreign nationals held by Ukraine as prisoners of war, and for mutual assistance concerning them, in particular as regards the interaction between the conventions falling within the PC-OC's remit and international humanitarian law, including the Third Geneva Convention. The PC-OC agreed that these questions should be examined from a strictly legal perspective, without prejudice to any particular situation.

The PC-OC agreed on the need to seek the expertise of the International Committee of the Red Cross (ICRC) on the international humanitarian law questions raised in the paper. It decided to set up a working group to prepare a draft paper addressing these questions for examination by the PC-OC Mod and the PC-OC during their next meetings in 2027. The following delegations expressed their willingness to participate: Belgium, the Netherlands, Switzerland (President), Ukraine, and France (to be confirmed) with the participation of an ICRC expert. The paper will then be circulated to members and observers of the PC-OC. Delegations will be invited to contribute with their expertise to the discussion in view of the next PC-OC Mod meeting, and thereafter during the plenary. The PC-OC also took note that the Secretariat would circulate the reply adopted by the CDPC in March 2025 to the Parliamentary Assembly's Recommendation 2289(2025) on Addressing risks to human rights and the rule of law posed by mercenaries and private military companies: a call for comprehensive regulation.

c. Discussion and *tour de table* on e-MLA, electronic means of communication and electronic signature

The PC-OC took note of the information provided by the representatives of INTERPOL that the so-called "e-MLA initiative" has become a key priority of INTERPOL's strategic framework until 2030, and that, following the completion of a legal feasibility phase, a proof of concept of a secure platform for the transmission of MLA requests directly between central authorities is expected to be available for testing during the first half of 2027. The use of this platform would be optional and would not affect existing arrangements for electronic transmission between States. Delegations also referred to other ongoing initiatives, notably within the EU (via eu-LISA) and the Cybercrime Convention Committee (T-CY).

The PC-OC expressed its strong interest in a secure and authentic channel for the electronic transmission of requests, in particular in view of the implementation of the Fourth Additional Protocol to the European Convention on Extradition and the Second and Third Additional Protocols to the European Convention on Mutual Assistance in Criminal Matters. The PC-OC President considered INTERPOL to be an interesting partner in this regard, for both e-MLA and e-extradition. The PC-OC expressed interest in being informed of further developments and being presented with the platform as soon as it is available.

d. Exchange of experiences on MLA proceedings

The PC-OC held an exchange of experiences regarding MLA proceedings, including the successful execution of a request for the taking of testimony in accordance with the procedural requirements of the requesting State.

The PC-OC remains attentive to the status of signatures and ratifications of the Third Additional Protocol to the Convention on Mutual Assistance in Criminal Matters (Valletta Protocol), including by member States of the EU. It also took note that the Secretariat would send the revised country information sheet templates to delegations in the coming weeks.

5. Convention on the Transfer of Sentenced Persons

a. Report on the follow-up to the questionnaire on the application of the Convention

The PC-OC took note of information provided by its President and by members of the working group on the progress made in its work, which has so far focused on practical questions. It noted that the initial "one-letter model" had evolved into a draft package of two forms, possibly to be complemented by a third form distinguishing between the sentencing and the administering State, and that the forms would also address the notification of the completion of the sentence under Article 15 of the Convention. These drafts will be discussed by the working group at its online meeting on 9 November 2026, with a view to their examination by the PC-OC Mod at its first meeting in 2027 and by the PC-OC at its first plenary meeting in 2027.

b. Request by Kazakhstan for an opinion on accession

In the light of the intention expressed by the Kazakh authorities to formally start procedures in order to request to be invited to accede to the Convention on the Transfer of Sentenced Persons, the PC-OC examined a draft opinion on such an accession in accordance with the CDPC's 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 Kazakh authorities. It also took note of a presentation made by Mr Baurzhan Kurmanov, representative of the Prosecutor General's Office of Kazakhstan in Europe, followed by a question-and-answer session. The PC-OC welcomed the information that Kazakhstan had completed its domestic procedures for the ratification of the Council of Europe Convention on Mutual Assistance in Criminal Matters and was in the process of depositing its instrument of accession.

The PC-OC adopted its opinion on the above-mentioned request from Kazakhstan and decided to transmit it to the CDPC consideration. It invited the CDPC to authorise the Secretariat to transmit this opinion to the Committee of Ministers when Kazakhstan formally requests to be invited to accede to the Convention on the Transfer of Sentenced Persons.

c. Exchange of experiences on proceedings regarding the transfer of sentenced persons

The PC-OC held an exchange on notable experiences and practical difficulties faced by States Parties regarding the transfer of sentenced persons, including the withdrawal of consent by sentenced persons at a late stage of the proceedings, the transfer of persons with mental health issues, translation costs and the importance of notifications under Article 15 of the Convention on the completion of the service of the sentence in the administrating State, with one delegation inviting States Parties to catch up on any such outstanding notifications. Several delegations reported that consent given before a judge is irrevocable under their domestic law, which has proved helpful in practice. One delegation also invited States Parties to share any experience of cooperation with Ghana under the Convention, to which Ghana acceded in 2019.

Several delegations further reported long-standing difficulties in concluding agreements with Iraq on the transfer of sentenced persons. The PC-OC welcomed the offer of the Swedish delegation to facilitate contacts with the Iraqi authorities, in consultation with the delegations concerned, and to inform the President and the Secretariat of any developments, including a possible invitation of Iraqi representatives to a future plenary meeting for an exchange of views. It also took note of information provided by the representative of Eurojust on its working arrangement with the Iraqi National Centre for International Judicial Cooperation, signed on 30 June 2026.

6. Core international crimes – follow-up to PC-OC's paper

The PC-OC took note with satisfaction of the positive reception of its paper on the articulation between Council of Europe conventions and the Ljubljana-The Hague Convention by the Rapporteur Group on Legal Co-operation (GR-J) of the Committee of Ministers in September 2026. It welcomed the initiative of the future Dutch Presidency of the Committee of Ministers (second half of 2027) to organise a joint meeting between the PC-OC and the Committee of Legal Advisers on Public International Law (CAHDI) on international crimes, international cooperation and the Ljubljana-The Hague Convention, and took note of information provided by the Secretariat on the request by the Netherlands for Council of Europe support regarding the interim support functions foreseen by that Convention, as well as of ongoing discussions on a possible Council of Europe's project to support these functions.

The PC-OC agreed to take the implications of this initiative into account in the planning of its meetings in 2027 (see item 12 below), noting that its second Plenary Meeting of 2027 would need to be held at the end of September 2027 over three full days, including one day dedicated to the joint meeting, and that the second meeting of the PC-OC Mod of that year would need to be brought forward to late June or early July 2027.

7. International cooperation to combat the smuggling of migrants

The PC-OC took note of information provided by the Secretariat on the work of the Committee of Experts on fighting the smuggling of migrants (PC-TM), including the zero draft Recommendation circulated to member States ahead of the second meeting of the PC-TM on 9-10 November 2026. The draft Recommendation contains a chapter on international cooperation in line with the conventions covered by the PC-OC's mandate. Several delegations, in particular from States situated along migration routes, shared their experience of a high and growing number of MLA, extradition and transfer cases relating to the smuggling of migrants, highlighting difficulties such as the identification of suspects and differences between national definitions of the offence, which may raise issues of double criminality. The PC-OC noted that its conventions were being successfully applied in such cases.

The PC-OC warmly thanked Stéphanie Djian (France, Vice-President) for her work as its rapporteur to the PC-TM, including her participation in the November meeting of the PC-TM, and appointed Ms Coralie van der Wielen (Belgium) to succeed her in this function afterwards.

8. Update of the PC-OC document on the case-law of the European Court of Human Rights

The PC-OC took note of the update to the index and summaries of the case-law of the European Court of Human Rights relevant to international cooperation in criminal matters, presented by Mr Miroslav Kubíček (consultant) and reviewed by the PC-OC Mod at its meeting in September 2026, and authorised its integration into its compendium and the publication of the updated documents on its website. It expressed its deep gratitude to Mr Kubíček for his excellent and continuous contribution to the work of the Committee, which he carries out on a pro bono basis, and welcomed his availability to continue this work during the period 2028-2031.

The PC-OC also took note of information provided by the Secretariat on the new compendium on the case-law of the European Court of Human Rights relating to international cooperation in criminal matters, prepared by the Secretariat in English and French, which would be circulated to all delegations.

9. Accession of third States to Council of Europe Conventions

The PC-OC took note of information provided by the Kyrgyz delegation that the domestic procedures for the accession of Kyrgyzstan to the European Convention on Mutual Assistance in Criminal Matters were being finalised, with the relevant law expected to be signed before the end of 2026. It also took note of information provided by its President on the state of play regarding Namibia and Thailand. Noting the changes in Thailand's authorities, the PC-OC invited its President to follow up with the Thai authorities through diplomatic channels on Thailand's possible accession to the European Convention on Mutual Assistance in Criminal Matters.

10. Workplan of the PC-OC

The PC-OC reviewed the progress made with its workplan and took note of the information provided by the Secretariat on the timeline for the adoption of its terms of reference for the period 2028-2031. In view of the initiative of the future Dutch Presidency referred to under item 6 above, it decided to propose to the CDPC and the Committee of Ministers to postpone its outstanding deliverable for the present period, namely an assessment report of the need to update the European Convention on the Transfer of Proceedings in Criminal Matters, together with the related special session, to 2028, and to replace it by the elaboration in 2027 of "a suggested standardised package, accompanied by targeted guidance to facilitate the application of the Convention on the Transfer of Sentenced Persons" (see item 5a above).

The PC-OC agreed on its proposals regarding its deliverables for the period 2028-2031, as set out below, and decided to transmit them to the CDPC. It noted that the draft Recommendation on the practical application of the European Convention on Extradition would most likely address re-extradition but could also cover other matters, that the deliverable concerning the transfer of proceedings foreseen for 2031 would be conditional on the outcome of the assessment report in 2028, and that "practical tools" refers to guidance documents and toolkits rather than to IT infrastructure.

Proposed PC-OC's deliverables for the period 2028-2031

No.	Deliverable	Deadline
1.	Special session on the European Convention on the Transfer of Proceedings in Criminal Matters (ETS No. 73)	31/12/2028
2.	Assessment report of the need to update the European Convention on the Transfer of Proceedings in Criminal Matters	31/12/2028
3.	Practical guidance on re-extradition; practical guidance on the interaction between asylum and extradition proceedings	31/12/2029
4.	Draft Recommendation on the practical application of the European Convention on Extradition (ETS No. 24)	31/12/2030
5.	Practical tools and guidance regarding electronic signature, electronic means of communication and e-MLA	31/12/2030
6.	Subject to the result of the relevant assessment report, draft legal instrument on the transfer of proceedings in criminal matters	31/12/2031
7.	Updated database on the jurisprudence of the European Court of Human Rights relevant to international cooperation in criminal matters	31/12/2031
8.	Updated country profiles regarding international cooperation in criminal matters	31/12/2031

11. Elections

The PC-OC re-elected Mr Christian Sager (Switzerland) as President and elected Mr Tim Sterkenburg (Netherlands) as vice-President for a one-year term starting from 1 January 2027.

The PC-OC expressed its warm gratitude to Ms Stéphanie Djian (France) for her successful term as vice-President.

It noted that the substitute members of the PC-OC Mod would complement the composition of the PC-OC Mod as necessary until the election of a new substitute member at the first Plenary Meeting of the PC-OC in 2027.

12. Dates of future meetings

The PC-OC agreed on the dates of its meetings to be held in 2027 as follows: Plenary Meetings on 11-13 May and end of September 2027 (tentative proposal pending final CAHDI's meeting dates); meetings of the PC-OC Mod on 16-18 March in Strasbourg and on 22-24 June in Switzerland (to be confirmed) 2027.

13. Any other business

While appreciating the organisation of hybrid meetings, the President welcomes and encourages participation in person as much as possible.