



Strasbourg, 7 March 2019
[PC-OC/PC-OC Mod/Docs PC-OC Mod 2019/ PC-OC Mod (2019)03E]
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PC-OC Mod (2019)03

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 27th meeting of the restricted Group of experts
on international co-operation (PC-OC Mod) enlarged to all PC-OC members
under the Chairmanship of Ms Barbara Goeth-Flemmich (Austria)
5-7 March 2019
Paris**

1. Opening of the meeting and adoption of the agenda

After the opening of the meeting by the Chair, the agenda was adopted as reflected on the [website](#).

2. Points for information of relevance to the work of the PC-OC

a) Activities of the T-CY: development of a second additional protocol to the Convention on Cybercrime

The PC-OC Mod took note of the information provided by the Secretariat as regards the progress made in the drafting of the second additional protocol to the Budapest Convention as well as of the use to be made of the comments provided by the PC-OC further to a written consultation procedure. The next meeting of the Drafting Plenary will take place on 9-11 July.

b) Recent signatures and ratifications

The PC-OC Mod also took note of the latest signatures and ratifications of the Council of Europe treaties within its remit.

c) Study on the feasibility and possible added value of a new binding instrument as regards international co-operation on the management, the recovery and the sharing of assets

The PC-OC Mod took note of the information provided by the Secretariat that a procedure had been launched to appoint a consultant to undertake this study and to present an interim report at the upcoming plenary meeting of the PC-OC.

3. Presentation and content of the PC-OC website

a) Update of the index and summaries of relevant case law of the ECtHR

The PC-OC Mod took note of the latest update available on the PC-OC website.

b) Country information

The working group also took note of the fact that country information was still lacking for several States and, in particular, as regards the Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime (ETS No 141).

The PC-OC Mod decided to reiterate the request to States to provide and regularly update country information as well as contact details for the officials in charge of the implementation of the Conventions within the realm of the PC-OC.

4. Convention on the Transfer of Sentenced Persons

The PC-OC Mod considered Appendices 2 and 3 to the draft recommendation on the application of the Convention on the Transfer of Sentenced Persons as well as the draft commentary and agreed on amendments.

The PC-OC Mod decided to submit the draft recommendation as contained in Doc PC-OC (2018)07 rev 2 and the draft commentary thereto [PC-OC Mod (2019) 01] for consideration to the plenary.

5. European Convention on Mutual Assistance in Criminal Matters

a) Consideration of a draft questionnaire on the application of Articles 13 and 22 of the Convention concerning exchange of information from judicial records

The PC-OC Mod considered the draft questionnaire and templates as proposed by France and Switzerland [Doc PC-OC Mod (2019)02] and agreed on amendments. Discussions revealed that there was a need to discuss this issue further in the plenary and in particular as regards the uncertainty about the notion of judicial records, the data contained in it and the purpose and use made of this data.

The PC-OC Mod decided to submit the draft questionnaire and templates to the plenary for consideration and adoption.

b) Preparation of a special session to celebrate the 60th anniversary of the Convention

The working group also discussed possible items to be discussed during the special session planned at the 78th plenary meeting of the PC-OC to celebrate the 60th anniversary of the Convention and decided to make the following proposals to the plenary:

- an overview of the history of the Convention and of its present and future challenges;

- the impact of recent case-law of the ECtHR on the Convention and the Additional Protocols thereto;
- the exchange of information from judicial records under Articles 13 and 22 of the Convention;
- electronic transmission of MLA requests (E-MLA).

6. European Convention on Extradition

a) Update of the publication from 2007 on Extradition European Standards

In the absence of Mr Erik Verbert, rapporteur on extradition issues, the PC-OC Mod decided to postpone this agenda item and to consider this update at its next meeting.

b) Possible consequences of the Petruhhin judgment of the CJEU

The PC-OC Mod agreed that there would be a need to continue discussing the consequences of the Petruhhin judgment, the Raugevicius judgment and connected judgments by the CJEU addressing the question how EU member States should react to a request for extradition from a non EU State for the purpose of prosecution or execution of a sentence in respect of a citizen from another EU member State.

7. Any other business

a) The PC-OC Mod took note that Ms Eleni Loizidou (Cyprus) would no longer be a member of the PC-OC Mod or the PC-OC. The working group expressed its gratitude to Ms Loizidou for her active contribution and her commitment to the work of the Committee over many years.

It also noted that, following the departure of Ms Loizidou, the substitute member of the PC-OC Mod, Ms Liv Christina Egseth (Norway) would become a member instead. Elections would be held at the next plenary meeting of the PC-OC to elect a new substitute member of the PC-OC Mod.

b) The working group also discussed possible future activities of the PC-OC for 2020-2021, including:

- International co-operation as regards the management, the recovery and sharing of assets proceeding from crime;
- electronic transmission of requests for international co-operation and ways to facilitate direct communication;
- improving the application and ratification of the European Convention on the Supervision of Conditionally Sentenced and Conditionally Released Offenders (ETS No 51); the European Convention on the International Validity of Criminal Matters (ETS No 70) and the European Convention on the Transfer of Proceedings in Criminal Matters (ETS No 73).