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PC-OC Mod (2025)02

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 37th meeting of the restricted Group of experts
on international co-operation (PC-OC Mod) enlarged to all PC-OC members
chaired by Adil Abilov (Azerbaijan)**

**(Room C3.05.C, AGORA)
25-27 March 2025**

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

The PC-OC Mod took note of information provided by the Chair and the Secretariat concerning the 86th plenary session of the CDPC (20-22 November 2024), as well as the state of play concerning the draft Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters. In particular, it noted that the Protocol was planned to be opened for signature in 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 Mod noted the information provided by the Secretariat that the Maltese Chairmanship intends to focus this Informal Conference on international co-operation in criminal matters, and in particular on mutual assistance in criminal matters, and would be open to suggestions by the PC-OC in this respect. In a preliminary discussion, the PC-OC Mod identified digitalisation, video-conferencing and e-evidence as potential topics to be included in the programme of the Conference, but invited the PC-OC to pursue this discussion at its next plenary meeting.

The PC-OC Mod also took note of information provided by its delegations on notable developments, including regarding bilateral treaties recently concluded or currently under negotiation.

The PC-OC Mod took note of information provided by the Secretariat on recent developments of relevance to its work, in particular the current priorities of the Criminal Law Division, including the expected adoption of the Convention on the Protection of the Environment through Criminal Law as well as the completion of the final meeting of the Core Group on a Special Tribunal for the Crime of Aggression against Ukraine.

The PC-OC Mod took note of the instruction given by the CDPC to the PC-OC to consider the application of the European Convention on Mutual Assistance in Criminal Matters and its additional protocols regarding the hearing of victims by video conference. It considered that this item should be included in the agenda of the next PC-OC plenary and decided to invite the PC-OC to hold a *tour de table* on this question.

3. Examination of the replies to the questionnaire regarding confidentiality and the European Convention on Mutual Assistance in Criminal Matters

The PC-OC Mod examined the replies to the questionnaire regarding confidentiality and the European Convention on Mutual Assistance in Criminal Matters as compiled in the document PC-OC(2024)09 rev, as well as a summary of these replies prepared by the Secretariat.

The PC-OC Mod considered that the replies demonstrated the need for the PC-OC to develop some guidance for practitioners confronted to the issue of confidentiality in MLA proceedings, including good practices to be adopted in this respect. It invited the PC-OC, at its upcoming plenary meeting, to set up a working group to work on this project and to renew its call on States Parties which have not yet replied to the questionnaire to do so.

4. Examination of the replies to the questionnaire on the application of the Convention on the Transfer of Sentenced Persons

The PC-OC Mod examined the replies provided to this questionnaire, thanking the sixteen delegations which have already replied and noting the information provided by several of its members that they would soon be providing their replies. 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 done so to send their replies to this questionnaire to the Secretariat by 18 April 2025. It invited the PC-OC to examine these replies at its next meeting and decide on the follow-up to be given to this questionnaire, including a further call for more replies if necessary.

5. 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 of her drafting choices. The PC-OC Mod thanked her for the impressive work and noted 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.

The PC-OC Mod therefore invited the PC-OC to examine this document at its next plenary meeting, to subsequently invite its delegations to send any comments and observations to Ms Tavares, and to invite the expert to revise the document in light of those contributions. It considered that the document should ultimately be published on its website, with the appropriate disclaimer and a foreword by Joana Ferreira (Portugal), the former Chair of the PC-OC during whose mandate this work had started.

6. Supervision of conditionally sentenced or conditionally released offenders

The PC-OC Mod examined a draft template on the supervision of conditionally sentenced or conditionally released offenders prepared by Mariana Radu (Romania), based on an initial working document prepared by her and the replies by several PC-OC delegations to questions contained therein. It warmly thanked Ms Radu for this work.

The PC-OC Mod considered it useful for the information to be included in this template not only to cover the application of the relevant Council of Europe convention (ETS No. 51), but also information on national legislation in member States which are not Party to this Convention. In this regard, it agreed with Ms Radu that she would revise this document to clearly separate these two areas of focus and submit the revised document to the consideration of the PC-OC at its next plenary meeting.

7. Asset Recovery

The PC-OC Mod examined the first draft of the Additional Protocol to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198), currently under examination by the Committee of Experts on Criminal Asset Recovery (PC-RAC). In order to determine whether it is necessary for the PC-OC to formulate an official opinion on the draft Additional Protocol, the PC-OC Mod decided to invite the plenary to examine this matter in the light of concrete comments by PC-OC delegations on this text, in so far as it relates to the mandate of the PC-OC.

It therefore decided to instruct the Secretariat to send out the current draft of the Additional Protocol to all PC-OC delegations, inviting those delegations to send to the Secretariat any comments or drafting proposals they may have on this draft in writing. It considered that the delegations should bear in mind that these comments and drafting proposals should be strictly limited to the provisions of the text which have a bearing on international co-operation in criminal matters as embodied in the conventions under the PC-OC's purview.

8. Exchange of experiences relating to international co-operation

The PC-OC Mod discussed cases brought to its attention by delegations, relating notably to practical difficulties which arose in extradition cases with third countries. The PC-OC Mod also discussed the difference in wording of the articles of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters relating to video and telephone conference, sharing their interpretation that it was a deliberate choice by the drafters to exclude hearing by telephone conference of suspects from the scope of the Protocol.

On the basis of concrete cases, the PC-OC Mod had 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. Based on this discussion, the PC-OC Mod decided that this was an issue that the PC-OC plenary could be invited to consider at its next meeting.

The PC-OC Mod also had a discussion regarding the relationship between asylum and extradition procedures. It decided to invite the PC-OC plenary to consider an update of its information document and questionnaire on this matter ([PC-OC / INF 76](#)).

The PC-OC Mod noted that, as the Committee of Ministers have agreed to start work on a Recommendation on countering 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](#), PC-OC delegates will be invited to exchange experiences relating to international co-operation addressing criminal aspects of the phenomenon of smuggling of migrants at its next plenary meeting.

9. Accession of third States to Council of European Conventions

The PC-OC Mod took note with satisfaction of the accession by the Republic of Chile to the European Convention on Extradition and its First and Second Additional Protocols, and the fact that the Convention will enter into force on 1 June 2025 with respect to Chile. It also noted that Kazakhstan had formally requested to be invited to accede to the European Convention on Mutual Assistance in Criminal Matters, and that the PC-OC's opinion on such an accession had accordingly been transmitted to the Treaty Office to be included in the official consultation of the States Parties, which is expected to be concluded by the end of April 2025.

The PC-OC Mod also 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. It welcomed the interest expressed by the EU to prioritise conventions under the PC-OC's purview in this respect, and noted that the Secretariat had relayed to the EU counterparts the PC-OC's opinion that it would be desirable for the European Union to co-ordinate with the PC-OC for the identification of potential candidate countries and for accompanying them in the accession process in accordance with the PC-OC's policy paper on this matter. The PC-OC Mod further noted that joint EU-Council of Europe pilot project(s) with third countries in this connection are also under consideration.

10. Workplan of the PC-OC

The PC-OC Mod recalled that the PC-OC had decided to include in its work programme in May 2024 "to consider the role of the Council of Europe conventions in the context of international co-operation relating to core international crimes, and the articulation between these conventions and the Ljubljana-the Hague Convention". Based on the information provided by the Secretariat on the current state of play regarding a Special Tribunal for the Crime of Aggression against Ukraine, as well as the priority given to the fight against impunity regarding core international crimes in the Fourth Summit of Heads of State and Government of the Council of Europe (Reykjavik, May 2023), the PC-OC Mod considered that the aforementioned task should be prioritised. It therefore decided to invite the PC-OC to set up a working group at its next plenary meeting 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.

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 Mod invited the PC-OC to postpone its work on the transfer of criminal proceedings to 2026.

11. Any other business

The PC-OC Mod held a discussion on the working methods of the PC-OC and the composition of the PC-OC Mod. It agreed that it would be expedient 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, and decided to relay this view to the plenary for consideration.