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PC-OC Mod (2025)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 38th 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 G04, AGORA)
23-25 September 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 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 Declaration](#) adopted by the Ministers of Justice in Malta reflected the value of the Council of Europe conventions on international co-operation in criminal matters, and in particular of the European Convention on Mutual Assistance in Criminal Matters, as well as of the work of the PC-OC itself. The PC-OC Mod also noted with satisfaction that the Conference provided an opportunity for the Chair of the PC-OC and several of its members to address the Ministers of Justice of the Council of Europe member States and inform them directly about the PC-OC's work.

The PC-OC Mod took note of information provided by one delegation on bilateral treaties currently under negotiation, as well as developments regarding EL PAcCTO (Europe Latin America Programme of Assistance against Transnational Organised Crime).

The PC-OC Mod took note of information provided by the Secretariat on recent developments of relevance to its work. The PC-OC Mod was favourable to the suggestion of one delegation to invite representatives of the West African network of central authorities to a future meeting of the PC-OC and decided to propose to the plenary to extend an invitation in that regard.

The PC-OC Mod noted that, in accordance with the instructions of the PC-OC, the Secretariat had transmitted the draft template on the supervision of conditionally sentenced or conditionally released offenders endorsed by the PC-OC at its last meeting to the European Committee on Penological Cooperation (PC-CP) for opinion, which was pending.

3. Extradition

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

The PC-OC Mod held an exchange with Raquel Tavares (expert), who had revised the document she prepared in the framework of this project in the light of comments made by one delegation and by the Secretariat. The PC-OC Mod thanked her once more for this impressive and successfully accomplished work. It noted that the document will be preceded by a foreword for the second edition, to be provided by Joana Ferreira (Portugal), during whose mandate as Chair of the PC-OC this work had started, as well as a disclaimer to be added by the Secretariat that this publication, like the previous one, does not necessarily represent the views of the Committee but reflects the assessment of the expert. It invited the PC-OC to authorise at its upcoming plenary the publication of this document, which should become a very valuable tool for practitioners, on its website.

b. Relationship between asylum and extradition proceedings

In accordance with the instructions of the PC-OC, the PC-OC Mod examined the questionnaire contained in the document PC-OC / Inf 76 regarding this issue, dating from 2014. It decided that the questionnaire remained very relevant and, considering the important changes that occurred in the national legislation of several States Parties since the last examination of it by the PC-OC, it would be crucial to update this information document on the basis of new or updated replies. It made some adjustments to the questionnaire and decided to submit the revised questionnaire to the PC-OC for approval and to invite the latter to address it to all States Parties.

c. Time limits for surrender

The PC-OC Mod pursued its discussions on this matter, based on a short information document prepared by the Secretariat with information extracted from PC-OC's country information sheets. The PC-OC Mod considered that this analysis revealed important differences in the practices of States Parties, as well as issues that would need to be clarified more precisely to reach a better understanding of the legislation and practice of one another, and notably:

- 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 Mod invited the PC-OC to hold a *tour de table*, paying special attention to these issues, at its next plenary meeting. It considered that this should allow the PC-OC to decide whether it wishes to refine its country information sheets and/or issue some guidance on good practices regarding this issue.

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

The Chair and the Secretariat informed the PC-OC Mod that the working group set up by the PC-OC at its 87th meeting had started its work and was currently drafting a document, including guidance for practitioners and good practices. The document would be presented to the PC-OC Mod at its next meeting in March.

5. 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 26 delegations which have already replied. Considering that a more representative sample would be necessary for this work, it decided to invite delegations who have not done so to send their replies to this questionnaire to the Secretariat before the next plenary meeting. It invited the PC-OC to assess whether a further call for more replies is necessary at its next meeting.

6. Core international crimes – application of Council of Europe conventions and the Ljubljana-The Hague Convention

The PC-OC Mod took note of information on the ongoing work of the working group set up by the PC-OC regarding this issue, provided by Joana-Ferreira (Vice-Chair) who presides this work and by the Secretariat. The PC-OC Mod expressed its satisfaction with the progress of this drafting work. It invited the working group, following its next meeting on 14 October, to submit the draft text to the PC-OC plenary for a first reading. It noted that the working group would refine the draft paper in the light of the possible comments of the PC-OC at its next plenary meeting and finalise its work before the next PC-OC Mod meeting in March. The endorsement of this document by the PC-OC is provisionally foreseen for the 89th plenary meeting in May 2026.

7. Asset Recovery

The PC-OC Mod examined the third 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) and had an exchange with the Secretary of that Committee, Milan Nikolic. Mr Nikolic introduced the third draft of the Additional Protocol and drew the attention of the PC-OC Mod to the fact that the comments sent by two delegations of the PC-OC following the last plenary meeting of the PC-OC and raised by the PC-OC Secretariat at the last meeting of the PC-RAC were taken on board by the latter and led to substantial revisions of the draft Protocol regarding joint investigation teams and data protection. The PC-OC Mod welcomed this information and thanked the PC-RAC.

During the exchange of views, Mr Nikolic clarified several questions raised by different delegations. He reiterated that any further comments in writing would be welcome ahead of the next meeting of the PC-RAC on 6 to 10 October. The PC-OC Mod thanked Mr Nikolic and noted that the revised version of the draft Protocol would be made available for the next PC-OC plenary meeting as soon as possible, depending on the outcome of the negotiations at this last meeting of the PC-RAC.

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, including in connection with the Petruhhin case-law. During the discussions, the PC-OC Mod noted the recurrence of an issue already discussed at the last plenary meeting of the PC-OC, namely the potential applicability of the Convention on the Transfer of Sentenced Persons to take over a sentence for a requested state who may be unable to extradite a person for the enforcement of a sentence. The PC-OC Mod considered that this indicated the potential need for some guidance from the PC-OC on this matter.

9. Accession of third States to Council of Europe Conventions

The PC-OC Mod 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 Mod 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 Chair informed the PC-OC Mod that Kazakhstan is expected to deposit its instrument of accession before the end of the year.

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. 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, and that the PC-OC would be involved in the identification of potential candidate countries in that connection.

The PC-OC Mod agreed with the proposal of the Secretariat that the bilateral contacts of the PC-OC members as well as the resources of the UNODC could be leveraged in order to establish contacts with non-member States who are Parties to the relevant Council of Europe conventions, with a view to completing missing country information on the PC-OC's website.

10. Workplan of the PC-OC

The PC-OC Mod noted that its revised terms of reference, which cover its ongoing work on core international crimes (see above), was currently in the process of being approved by the Committee of Ministers. Regarding its deliverable concerning an assessment report of the need to update the European Convention on the Transfer of Proceedings in Criminal Matters, the PC-OC Mod considered that it would be expedient to organise a special session on the transfer of proceedings adjacent to its plenary meeting in November 2026.

Considering the opening for signature of the Valletta Protocol, one delegation suggested that the PC-OC could hold a *tour de table* at a future meeting on how prospective States Parties to the Protocol intend to implement Article 3 of this Protocol (technical recording devices). Another member of the PC-OC Mod considered that the question already transmitted to the PC-OC by one delegation for written replies, regarding the possibility of making reciprocal declarations under Article 4 (interception of telecommunications), paragraph 8 of the Protocol, should also be discussed in the PC-OC plenary. The PC-OC Mod agreed with both suggestions and decided to bring them to the attention of the PC-OC.

The PC-OC took note of a question that the Secretariat received from a 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 Mod 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 decided to bring this matter to the attention of the PC-OC plenary.

The PC-OC Mod took note of the reminder of the Secretariat that the PC-OC would be called upon to elect a new Chair and Vice-Chair, as well as to renew the composition of the PC-OC Mod, during the next plenary meeting of the PC-OC in November.

11. Any other business

The PC-OC Mod discussed the proposals for an update of the index and summaries of the case-law of the European Court of Human Rights by Miroslav Kubiček (Consultant). The PC-OC Mod expressed its gratitude to Mr Kubiček for his excellent and continuous contribution to the work of the Committee, decided

to approve the proposals, while noting that Mr Kubíček would revise the update in the light of comments received from one delegation. The PC-OC Mod invited the PC-OC to authorise the publication of the updated version of the index and summaries of the case-law on its website.

The PC-OC Mod considered a possible questionnaire regarding the conventions under the PC-OC's purview and the fight against the smuggling of migrants, to support the upcoming work of the CDPC on this issue. It considered that the scope and purpose of such a questionnaire should be carefully defined to make the PC-OC's contribution as useful as possible. It decided to transmit a number of detailed questions proposed in this respect by Mariana Radu (Romania) to the Council of Europe Network of Prosecutors on Migrant Smuggling for consideration. The PC-OC Mod affirmed its readiness to provide further input on this matter as appropriate. It also considered that the feasibility study of the CDPC on this matter should be included as an information document on the agenda of the upcoming plenary meeting of the PC-OC.