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PC-OC Mod (2026)01

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 39th meeting of the restricted Group of experts
on international co-operation (PC-OC Mod) enlarged to all PC-OC members
chaired by Christian Sager (Switzerland)**

**(Room 17, Palais de l'Europe)
17-19 March 2026**

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 of relevance to the work of the PC-OC

The PC-OC Mod took note of 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:

- 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) was examined by the relevant group of rapporteurs of the Committee of Ministers and sent to the Parliamentary Assembly of the Council of Europe for its opinion. The intention is to have it adopted at a Ministerial Session under the Moldovan presidency (November 2025 – May 2026), with the opening for signature at a later stage.
- A landmark Recommendation on accountability for technology-facilitated violence against women and girls was recently adopted by the Committee of Ministers. Another Recommendation on education in prisons, prepared by the Council for Penological Cooperation (PC-CP), will be presented to the relevant group of rapporteurs of the Committee of Ministers on 24 March 2026.

- The CDPC resumed its work on criminal law and artificial intelligence, with a focus on deepfakes (digital forgeries). A recommendation is likely to be drafted.
- A draft feasibility study on foreign information manipulation and interference (FIMI) has been elaborated by a dedicated subordinate body of the CDPC and is expected to be endorsed by the latter at an *ad hoc* session on 27 March 2026.
- A Committee of Experts on fighting the smuggling of migrants (PC-TM) was set up by the Committee of Ministers under the authority of the CDPC in order to draft a recommendation on the topic. The first meeting of this Committee will take place at the end of April 2026. The PC-OC is urged to contribute to this process (see below under point 7).

The Secretariat also informed the PC-OC Mod about continuing consultations with the European Union, with a view to collaborating with the latter on the promotion of Council of Europe conventions on judicial cooperation in criminal matters, while taking account of the framework foreseen in PC-OC's policy paper on the accession of third states.

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

3. Extradition

a. Relationship between asylum and extradition proceedings

In accordance with the instructions of the PC-OC, the PC-OC Mod examined the replies to the revised questionnaire on the relationship between asylum and extradition procedures (PC-OC (2025)05rev), thanking the 14 delegations that have replied. Considering that a more representative sample would be necessary for this work, it decided to invite delegations who have not yet done so to send their replies to this questionnaire to the Secretariat before the next plenary meeting. It invited the PC-OC to make a further call for replies at its next meeting, if necessary.

b. Time limits for surrender and update of the country information sheet template

The PC-OC Mod pursued its discussions on this matter. It examined the changes proposed by the Secretariat to the country information sheet template in the light of the discussions that took place at the last plenary meeting of the PC-OC in November 2025. The PC-OC Mod endorsed the proposal and decided to transmit it to the PC-OC plenary for approval.

4. Mutual Assistance in Criminal Matters

a. Confidentiality and mutual assistance

The President presented the result of the work of the working group set up by the PC-OC at its 87th meeting regarding this subject, in the form of draft PC-OC guidance on confidentiality and the European Convention on Mutual Assistance in Criminal Matters. The PC-OC Mod warmly thanked the working group for its successful work and expressed agreement with the contents of this draft. It decided to submit the draft guidance to the PC-OC plenary and invited the PC-OC to examine and adopt this document at its next meeting in May 2026.

b. Update of the country information sheet template regarding judicial records

The PC-OC Mod examined the changes proposed by the Secretariat to the country information sheet template in the light of the discussions that took place at the last plenary meeting of the PC-OC in November 2025. It considered that the changes proposed appropriately addressed the questions raised by the delegations that brought this issue to the attention of the PC-OC. Accordingly, the PC-OC Mod endorsed the proposed revised template and decided to transmit it to the PC-OC plenary for approval.

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

The PC-OC Mod thanked the 35 delegations which provided their replies to this questionnaire. It examined these replies, together with a summary of the replies prepared by the Secretariat, and held an in-depth discussion on the subject. The PC-OC Mod considered that the information contained in these replies and their summary would already be a very useful resource for practitioners. It therefore invited the PC-OC to publish these in the form of an information document on its website.

The PC-OC Mod considered that this information provides a good basis for identifying best practices, accompanied by targeted guidance regarding the various issues covered in the questionnaire, as well as more general guidance to practitioners regarding transfer proceedings. It therefore decided to advise the PC-OC plenary to set up a working group at its next meeting in May 2026, to be composed of volunteers who will contribute to drafting such a document.

The discussion also touched upon other considerations regarding the effectiveness of the Convention, as well as its relationship with the European Convention on the International Validity of Criminal Judgments (ETS No. 70). While considering that these issues fall outside the scope of this particular exercise, the PC-OC Mod nonetheless decided that the contents of this discussion should be brought to the attention of the PC-OC plenary.

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

The PC-OC Mod considered a draft paper produced by a working group set up by the PC-OC 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), which had been subject to a first reading by the PC-OC at its plenary meeting in November 2025. The PC-OC had invited any delegation wishing to formulate comments or suggestions on this draft to send them to the Secretariat before 31 December 2025.

The PC-OC Mod noted that no delegation had expressed opposition or suggested amendments to this text. It therefore recommended that the PC-OC adopt it, as it stands, at its next plenary meeting in May 2026.

7. International cooperation to combat the smuggling of migrants

The PC-OC Mod took note of information provided by Eva Pastrana. Ms Pastrana emphasised the complexity of the negotiations that culminated in the mandate given by the Committee of Ministers to the Committee of Experts on fighting the smuggling of migrants (PC-TM). This *ad hoc* Committee, working under the CDPC, will elaborate a Recommendation on deterring and fighting the smuggling of migrants, through legal means and other actions, and on international cooperation, taking into account the [CDPC Report](#) on the need for and feasibility of a possible new Council of Europe Instrument on the smuggling of migrants, with full respect for their human rights.

Ms Pastrana informed the PC-OC Mod that the PC-TM's work would also involve the follow-up to the [Council of Europe Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants](#), noting that one of the five pillars of this action plan is entitled "consider

evaluating and improving MLA mechanisms and other methods of international cooperation". The PC-OC's involvement in this process is therefore vital.

The PC-OC Mod took note of the fact that the PC-TM's first meeting is scheduled for 28-29 April 2026. It also took note of the information provided by the Secretariat to the members of the PC-OC Mod concerning the list of contacts of the 31 members of the PC-TM already appointed by member states, as well as the members of the Council of Europe Network of Prosecutors on Migrant Smuggling.

The PC-OC Mod held an in-depth exchange of views on this topic. The consensus within the group was that the conventions on international cooperation under the purview of the PC-OC were designed to handle all cases of transnational organised crime and are thus also perfectly fit for dealing with cases involving the smuggling of migrants, taking into account, in particular, the recent modernisation work the PC-OC undertook that resulted in the Valletta Protocol. However, there may be gaps in the concrete handling of cases and particular vulnerabilities that may require a greater degree of awareness of the Council of Europe standards and PC-OC's guidance at the prosecutorial level, as well as encouraging and enabling central authorities to better identify and prioritise these cases, when appropriate.

As a first step, the PC-OC Mod decided to invite the PC-OC plenary to appoint a rapporteur on this issue at its next meeting in May 2026. This rapporteur should follow the parallel developments within the different Council of Europe fora, inform the PC-OC about them and advise on possible future steps.

8. Exchange of experiences relating to international co-operation

The PC-OC Mod discussed several cases brought to its attention by delegations, including: the practical difficulties which arise during the surrender process, for example owing to last-minute decisions by airlines, which can engender significant waste for the requesting country; cases where a person is in transit and voluntarily travelling to a country which is seeking them with an INTERPOL red notice; delays that can derail procedures due to difficulties linked to postal services or customs; the inability to use video conferencing in cases involving a potential extradition; difficulties relating to surrender and transit for persons without a valid documentation; as well as a general improvement regarding judicial co-operation with a particular third country.

The Ukrainian delegation informed the PC-OC Mod of a number of successful recent examples of judicial cooperation, highlighting in particular that Ukraine had obtained around one hundred extraditions from its partners last year, which involved the provision of guarantees in most cases, and was grateful for this cooperation. The other delegations in turn expressed their gratitude and admiration to Ukraine for its continuing commitment to international cooperation under extremely difficult circumstances.

At the request of one delegation, participants shared their experience relating to the right to a retrial in cases of extradition involving judgments in absentia. The PC-OC Mod noted that the previous work of the PC-OC on this issue, including a questionnaire concerning judgments in absentia and the possibility of retrial ([PC-OC \(2013\) 01 Bil. rev.3](#)) still remained relevant.

9. Accession of third States to Council of Europe Conventions

The PC-OC Mod took note of the state of play regarding progress made by several countries interested in the conventions under the PC-OC's purview, including Kazakhstan, Kyrgyzstan, Namibia and Thailand. Several delegations expressed an interest in fostering contacts between the PC-OC and Morocco and the PC-OC Mod instructed the Secretariat to enquire into how Morocco could be encouraged to make use of the observer status it already has with the Committee, as a "non-member State with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities".

10. Workplan of the PC-OC

The PC-OC Mod reviewed the progress made with the workplan that the PC-OC agreed on at its plenary meeting in May 2024. It noted with satisfaction the successful completion of and the progress made with the majority of tasks identified by the PC-OC.

Regarding the remaining tasks, the PC-OC Mod agreed to recommend that the PC-OC postpone a special session on the transfer of proceedings to May 2027, both for operational reasons relating to its Secretariat and due to the expected entry into force of the new instrument of the European Union on this subject at the beginning of 2027.

As for work on the use of electronic signature, the PC-OC Mod considered that this task could be productively combined with the planned review of reservations and declarations, as well as with the encouragement to sign and ratify the relevant Additional Protocols, considering that the discussions during the negotiation process of the Valletta Protocol showed an overwhelming consensus on the need for making the use of electronic means of communication the norm for judicial cooperation. The PC-OC Mod therefore advised the PC-OC to organise a *tour de table* on this subject at its plenary meeting in November 2026. This could potentially provide the basis for further work by the Committee.

The PC-OC Mod recalled that the PC-OC took the decision to organise a structured exchange concerning digital assets and e-evidence at its upcoming plenary meeting.

11. Any other business

The PC-OC Mod took note that its substitute member, Gabriela Bláhová (Czechia), will no longer be able to attend the PC-OC meetings, as she will start representing her country at the CDPC level. The PC-OC Mod congratulated Ms Bláhová on her new responsibilities and thanked her for her invaluable contribution to the PC-OC's work over the years. It noted that this development would require the election of a new second substitute member for the PC-OC Mod, as well as the appointment of a new rapporteur to the Cybercrime Convention Committee (T-CY).

The PC-OC Mod noted that, as a result of a general instruction to the Secretariats of all intergovernmental committees of the Council of Europe, the next plenary meeting of the PC-OC in May 2026 would be convoked in hybrid format. The PC-OC Mod emphasised the role of the PC-OC as a network of practitioners and encouraged members to participate in future PC-OC meetings in person, noting that its terms reference state that "the Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair)".