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PC-OC Mod (2026)07

**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 40<sup>th</sup> 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 4, AGORA)  
22-24 September 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 CDPC agreed to introduce a standing agenda item on the signatures and ratifications of selected Council of Europe conventions falling within its remit such as the Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (Valletta Protocol). It 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 Additional Protocol to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism was adopted in May 2026 and will be opened for signature on 14 October 2026 in Strasbourg.
- Work on artificial intelligence and criminal law is now focused on a draft Recommendation on criminal justice responses to deepfakes.

- The PC-CP is finalising its update of the Recommendation CM/Rec(2012)12 concerning foreign national prisoners, which has been extended to foreign nationals under probation supervision. The PC-OC Mod also noted the publication of the SPACE I statistics and the 31st Conference of Directors of Prison and Probation Services, held in Valletta in June 2026.
- The Dutch Presidency of the Committee of Ministers (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 (see below under point 6).
- The PC-OC needs to decide on the deliverables to be included in its next terms of reference for the period 2028-2031 (see below under point 11) at its next plenary meeting in November 2026.

The Secretariat also informed the PC-OC Mod about recent signatures of the Valletta Protocol, bringing the total number of signatories to twenty.

The PC-OC Mod took note of information provided by delegations on bilateral treaties recently concluded or currently under negotiation.

Ms Pastrana informed the PC-OC Mod that she would be acting as interim secretary to the PC-OC at its next plenary meeting in November.

### **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 25 delegations that have replied. It considered that the replies already provided a good picture of the evolution in Europe regarding this issue since its last stock-taking exercise in 2014 on this matter. It invited delegations who have not yet replied to this questionnaire to do so before the next plenary meeting.

The PC-OC Mod agreed that a preliminary assessment of these replies point to a clear need for more clarity and guidance on this issue in all member States. As a first step, the PC-OC Mod invited the PC-OC plenary to instruct the Secretariat to prepare a summary of the replies, to be examined by the PC-OC Mod at its first meeting in 2027. It considered that a guidance paper, including the identification of good practices and practical examples, could be envisaged at a later stage, potentially with the involvement of a limited working group to be set up in the first plenary meeting of 2027.

#### **b. Re-extradition**

The PC-OC Mod pursued its discussions on this matter, based on a paper submitted by Belgium, thanking the Belgian delegation for the excellent discussion paper. The discussions showed diverging views. Some delegations considered that the last requested State in a chain of extraditions would need to obtain the consent of all the previous States involved in the chain, while others thought that the consent of the penultimate State in the chain could be considered sufficient. All delegations agreed that Article 15 (Re-extradition to a third state) of the European Convention on Extradition was not designed with the current circumstances in mind, whereas such chain extraditions are becoming increasingly common. The PC-OC Mod also noted that the superposition of different legal bases, such as the European Convention on Extradition, the European Arrest Warrant (EAW) and bilateral treaties, further complicates the picture and makes it difficult for States to keep track of previous surrenders of the same person.

Considering the diverging interpretations within the PC-OC Mod, the Group concluded that it would be useful for the issue to be discussed also in the plenary. It therefore invited the PC-OC plenary to have an

exchange on this subject, based on the discussion paper which the Belgian delegation volunteered to rework in the light of the PC-OC Mod meeting.

The PC-OC Mod also invited the PC-OC plenary to consider a written survey of all States Parties to the Convention, with a targeted question. The PC-OC Mod considered that it would be useful for this issue to be addressed in a future practical guidance document by the PC-OC which could include, for example, a recommendation to requested States to make previous extraditions explicitly visible to requesting States as a matter of course, to the extent possible. The PC-OC Mod was also of the view that, given the difficulties and delays an obligation to consult all previous States involved in a long chain would cause, the PC-OC could consider the feasibility of drafting a non-binding instrument on this question encouraging more flexibility.

#### **4. 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 Mod held a substantive exchange of views on this topic, involving both extradition and MLA. It noted that most States had developed their practices mainly in the context of extradition, but the use of assurances in MLA proceedings is a rapidly developing practice, for which States would particularly benefit from an exchange of this kind.

Delegations shared their experience of cases raising potential human rights concerns, the various practices the central authorities and courts developed regarding diplomatic assurances, as well as a great variety of procedures and methods developed by each State. The PC-OC Mod considered that it would be useful to repeat this exercise at the plenary level and invited the PC-OC plenary to proceed to a similar exchange during its meeting in November 2026.

The PC-OC Mod also took note of information provided by Sébastien Potaufeu, Senior Advisor for Human Rights and Coordinator for the Abolition of Death Penalty, regarding recent efforts by the Council of Europe regarding the abolition of the death penalty, including its participation in the 9<sup>th</sup> World Congress against the death penalty held in Paris, France from 30 June to 2 July 2026, as well as positive developments in a certain number of non-member States. He also provided an update on the latest information regarding the situation in Israel. The PC-OC Mod considered that an update would also be welcome at the next PC-OC plenary in November 2026.

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

The PC-OC Mod examined a discussion paper submitted by Ukraine, highlighting several issues relating to the interaction between Council of Europe Conventions on international cooperation in criminal matters and humanitarian law, as enshrined in the Geneva Conventions. The PC-OC Mod thanked the Ukrainian delegation for the excellent paper and for putting these questions on the agenda of the Committee.

The ensuing discussions showed the complexity of the issues and the lack of practical experience of delegations regarding many questions raised in the paper. The PC-OC Mod considered that these are matters for which the guidance of an expert specialist would have significant added value. It therefore invited the PC-OC plenary to instruct the Secretariat to commission an expert to provide such guidance.

Given the confidential nature of the discussion paper, the PC-OC Mod instructed the Secretariat to circulate this paper by email to all PC-OC delegations. It invited these delegations to be ready to define the scope of the work to be asked from the expert during the plenary meeting in November 2026, based on the questions enumerated under Chapter VII of the aforementioned paper.

## **5. Report on follow-up to the questionnaire on the application of the Convention on the Transfer of Sentenced Persons**

The PC-OC Mod took note of the information provided by the Chair and the Secretariat regarding the progress made by the working group set up by the PC-OC for this task at its last plenary meeting. It noted that the working group had held an online meeting on 29 June 2026 and decided on the following priority areas for its work:

### *Practical questions:*

- The drafting of a suggested standardised package (“one-letter model”), accompanied by guidance (which, among other issues, could tackle the issue of translation which was raised separately in the questionnaire).
- The clarification of how the decision timeline and workflow is handled by States Parties, which should take into account certain sentencing States’ needs to be notified about the completion of the sentence.

### *Substantive issues:*

- Mental health.
- Non-custodial elements and the standing of victims in transfer proceedings.
- Prison conditions and streamlining assurances (at a later stage).

The PC-OC Mod noted that the working group had decided to concentrate exclusively on its work on the practical questions for the time being. It set up a limited drafting group to prepare draft documents by the end of October 2026, for the consideration of the working group at its next online meeting, on 9 November 2026. These documents will be submitted to the PC-OC Mod at its first meeting of 2027.

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

The PC-OC Mod was informed by Eva Pastrana, Head of the Criminal Law Division, about the positive reception of the PC-OC’s paper on this issue within the relevant rapporteur group of the Committee of Ministers (GR-J) on 22 September 2026. She also informed the PC-OC Mod that the Dutch Presidency of the Committee of Ministers (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. This will require the PC-OC to hold its second plenary meeting in 2027 at the end of September 2027, possibly by pulling forward its second PC-OC Mod meeting to late June or early July. She further shared her view with the Committee that these questions, including synergies with the Ljubljana-The Hague Convention, will become increasingly relevant to the work of the PC-OC.

The PC-OC Mod welcomed this information, as well as the initiative of the future Dutch Presidency. The delegations present expressed their commitment to future work in this area.

## **7. International cooperation to combat the smuggling of migrants**

The PC-OC Mod took note of information provided by Eva Pastrana on the latest developments regarding this file. She notably informed the PC-OC Mod about the work of the Committee of Experts on fighting the smuggling of migrants (PC-TM). This *ad hoc* Committee, working under the CDPC, will elaborate a draft 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 a zero draft Recommendation would be circulated at the beginning of October. The Recommendation will include a section on international cooperation and the preamble will reference the conventions under the purview of the PC-OC. Non-criminalisation of

humanitarian assistance to victims is expected to be an important focus of negotiations. The second meeting of the PC-TM will take place on 9-10 November 2026.

At Ms Pastrana's suggestion, the PC-OC Mod decided to invite all delegations to come prepared to the next plenary meeting in November 2026 with a view to sharing complex or particularly interesting case examples involving the smuggling of migrants, from the point of view of international cooperation in criminal matters.

## **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 due to courier-related delays for the submission of paper documents in extradition proceedings, certain issues linked to the use of INTERPOL red notices, difficulties with some non-member States who expel foreign prisoners without giving their country of origin sufficient time to take over the prison sentence, as well as practical experiences regarding cooperation with a number of non-States Parties to the Council of Europe Conventions on international cooperation.

Regarding the interpretation of the words "proceeded against" in Article 14 (rule of speciality) of the European Convention on Extradition, the PC-OC Mod recalled that this wording was modified in the Fourth Additional Protocol to the Convention and that the Explanatory Report of this Protocol specifies that the drafters agreed that Article 14 should not be interpreted so as to preclude any necessary action the requesting Party would need to take in order to be able to request a waiver of the rule of speciality.

Regarding MLA cases, the PC-OC Mod took note with interest of information provided by the Ukrainian delegation regarding the recent execution by another State Party of a request from Ukraine under the Second Additional Protocol to the MLA Convention, which resulted in the confiscation of a ship as part of the Russian shadow fleet and its cargo, as instrumentalities of international crime, and the transfer of that property to Ukraine. The PC-OC Mod also took note of a call by Ukraine to other States Parties to follow this example.

The PC-OC Mod took note of a request by the delegation of the United Kingdom to ensure that any request to interview a person under the MLA Convention should always be accompanied by the list of questions to be put to the person, as well as the rights that need to be read out before the interview, in order to avoid unnecessary delays in the execution of such requests.

As regards hearings of suspects by videoconference, the United Kingdom recalled its declaration excluding such hearings for the purposes of the Second Additional Protocol. In this connection, the delegations present noted a trend towards more extensive use of videoconferencing in certain States Parties, as well as an increasing number of requests to hold the entire trial via videoconference, that many delegations cannot comply with. The PC-OC Mod considered that this issue merited further discussion in future meetings.

The PC-OC Mod took note of the information provided by the Norwegian delegation that the central authority for MLA in Norway has been transferred from the Ministry of Justice to the Director of Public Prosecutions of Norway and that the relevant country information sheet on the PC-OC website has been updated accordingly.

## **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 Kyrgyzstan, Namibia and Thailand. The PC-OC Mod recalled that the PC-OC plenary was expected to adopt its opinion on the possible accession of Kazakhstan to the Convention on the Transfer of Sentenced Persons at its next meeting in November 2026.

## **10. Update of the PC-OC document on the case-law of the European Court of Human Rights**

The PC-OC Mod discussed the proposals for an update of the PC-OC's compendium on the case-law of the European Court of Human Rights by Miroslav Kubíček (Consultant). The PC-OC Mod expressed its gratitude to Mr Kubíček for his excellent and continuous contribution to the work of the Committee and decided to approve the proposals. 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.

## 11. Workplan of the PC-OC

The PC-OC Mod reviewed the progress made with the workplan of the PC-OC. It took note of the information and timeline outlined by the Secretariat for the adoption of its terms of reference for the quadrennium 2028-2031, and the fact that the PC-OC plenary should agree on the PC-OC's proposals regarding its workplan for this period at its next plenary meeting.

Regarding the PC-OC's outstanding deliverable for the present quadrennium, which concerns an assessment report of the need to update the European Convention on the Transfer of Proceedings in Criminal Matters, the PC-OC noted that this deliverable would require a special session to be organised in the margins of the first plenary meeting of the PC-OC in 2027. The PC-OC Mod considered that the initiative by the future Dutch Presidency to organise a conference on international crimes and the Ljubljana-The Hague Convention, by advancing its second plenary meeting to September, made this deliverable unfeasible within the timeframe initially foreseen: organising two special sessions/conferences in one year, as well as the compressed timeline, would compromise the PC-OC's ability to ensure the maintenance of its core tasks. The PC-OC Mod further considered that postponing this deliverable to 2028 would have the additional added value of allowing delegations to accumulate experience regarding the application of the new EU instrument on this subject, which will enter into force in 2027.

In the light of these considerations, the PC-OC Mod decided to invite the PC-OC to propose to the CDPC and the Committee of Ministers to replace that deliverable by another one, namely the elaboration of "a suggested standardised package, accompanied by targeted guidance to facilitate the application of the Convention on the Transfer of Sentenced Persons for 2027".

Provided that this proposal is accepted, the PC-OC Mod's suggestions regarding the PC-OC deliverables for the period of 2028-2031 would be as follows:

|                                                                                                                                           | Deadline<br>▼ |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 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. Draft Recommendation on the practical application of the European Convention on Extradition (ETS No. 24)                               | 31/12/2029    |
| 4. Practical guidance on re-extradition; practical guidance on the interaction between asylum and extradition proceedings                 | 31/12/2029    |
| 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 co-operation in criminal matters | 31/12/2031    |
| 8. Updated country profiles regarding international co-operation in criminal matters                                                      | 31/12/2031    |

The PC-OC Mod highlighted that, while the idea for a draft Recommendation on the application of the Convention on Extradition arose in the context of re-extradition, the scope of this Recommendation could be broadened to other matters. The suggested deliverable for the year 2031 would be conditional on a positive assessment report in 2028 and could take the form of a binding or non-binding instrument.