

## COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON CO-OPERATION IN CRIMINAL MATTERS (PC-OC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**Type of committee:** Subordinate Body

Terms of reference valid from: **1 January 2020 until 31 December 2021**

<b>PILLAR/PROGRAMME/SUB-PROGRAMME</b>
<b>Pillar:</b> Rule of Law <b>Programme:</b> Action against crime, security and protection of citizens <b>Sub-Programme:</b> Action against crime and protection of citizens
<b>SPECIFIC TASKS</b>
(i) Improve the efficient functioning of the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocols thereto, including by the development of practical guidelines and tools, where appropriate. In this regard, explore in particular possibilities to: <ul style="list-style-type: none"><li>- facilitate the exchange of information from judicial records,</li><li>- enable electronic transmission of requests for co-operation, responses to them and other communications,</li><li>- facilitate the implementation of the Second Additional Protocol regarding the use of direct communication, Joint Investigation Teams etc.</li></ul>
(ii) Contribute to the implementation of the Action Plan on Transnational Organised Crime adopted by the Committee of Ministers. In particular, address ways to improve international co-operation as regards the management, the recovery and the sharing of assets proceeding from crime, including by the elaboration of new standards and tools where necessary.
(iii) Promote the ratification and efficient application of the treaties on international co-operation in criminal matters by the organisation of thematic sessions or conferences, the exchange of practice and, where appropriate the development of practical guidelines and tools. Particular attention should thereby be paid to the following Conventions which suffer a low level of ratification: <ul style="list-style-type: none"><li>- the European Convention on the Supervision of Conditionally Sentenced and Conditionally Released Offenders (ETS No 51);</li><li>- the European Convention on the International Validity of Criminal Judgments (ETS No 70) and</li><li>- the European Convention on the Transfer of Proceedings in Criminal Matters (ETS No 73).</li></ul>
(iv) Identify, at the earliest stage possible, concrete problems experienced by Parties to the conventions, by discussion during meetings and on the online forum, propose practical solutions, such as procedural guidelines or notes for practitioners, and facilitate bilateral consultation.
(v) Continue improving the PC-OC website as a user-friendly and reliable source of legal and practical information for practitioners (including, for example, country information, legal standards, case law, practical guidelines, model forms, thematic background papers and non-binding opinions of the PC-OC) needed to implement the conventions on international co-operation in criminal matters.
<b>COMPOSITION</b>
<b>Members:</b> Governments of member States are invited to designate one or more representatives of the highest possible rank in the relevant field of international criminal law, in particular officials in charge of international co-operation in criminal matters.  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).  Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.  In accordance with decision <a href="#">CM/Del/Dec(2013)1168/10.2</a> of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.
<b>Participants:</b> The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets: <ul style="list-style-type: none"><li>- Consultative Council of European Prosecutors (CCPE);</li></ul>

- Consultative Council of European Judges (CCJE);
- European Commission for the Efficiency of Justice (CEPEJ);
- Cybercrime Convention Committee (T-CY)
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations Office for Drugs and Crime (UNODC);
- International Criminal Police Organisation (INTERPOL);
- United Nations Interregional Crime and Justice Research Institute (UNICRI);
- Office of the United Nations High Commissioner for Human Rights (OHCHR);
- International Criminal Court (ICC);
- European Institute for Crime Prevention and Control (HEUNI);
- Organisation of American States (OAS);
- Ibero-American Network for International Legal Cooperation (IberRed).

#### **Observers:**

The following may send representatives without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities.

#### **WORKING METHODS**

##### **Plenary meetings:**

48 members, 2 meetings in 2020, 3 days

48 members, 2 meetings in 2021, 3 days

##### **Working Group meetings:**

9 members (Bureau members and 7 members elected by the PC-OC), 2 meetings in 2020, 3 days

9 members (Bureau members and 7 members elected by the PC-OC), 2 meetings in 2021, 3 days

All member States may send representatives to the working group meeting without defrayal of expenses.

##### **Bureau meetings:**

The Bureau is composed by the Chair and the Vice-Chair. The Chair and the Vice Chair are elected for a term of one year. The terms of the Chair and of the Vice-Chair are renewable once.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Whenever appropriate, it will prioritise environmentally sound working methods such as virtual meetings facilitated by information technology and written consultations.